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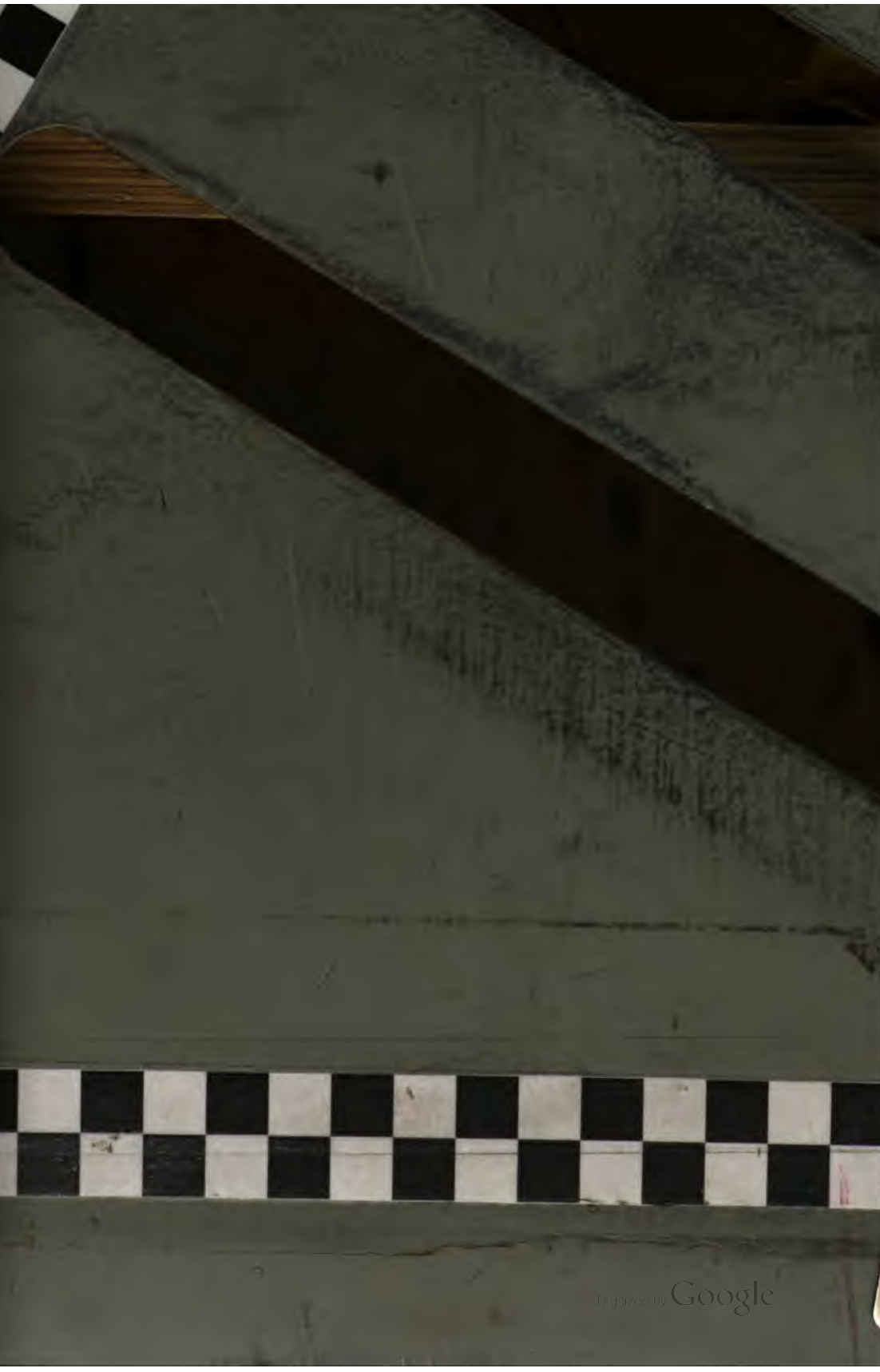
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THE MILITARY POLICY OF THE UNITED STATES

By Bvt. Maj. Gen. EMORY UPTON, United States Army

THIRD IMPRESSION

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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WAR DEPARTMENT.

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EDITORS' NOTE.

In preparing General Upton's manuscript for publication the editors have found it necessary to eliminate certain portions extraneous to the author's subject as well as the numerous repetitions which an unrevised manuscript is almost certain to contain. It is particularly unfortunate that the author's untimely death in the midst of his literary work should have prevented the completion of his treatise on the Nation's military policy to include the entire Rebellion, as well as to give the chapters already written the benefit of his personal revision.

A chapter on the military laws of Virginia, another on Confederate military appropriations, and a third on the military policy of Rome, have been omitted entire, but nothing has been excluded or eliminated from the published work which, in the judgment of the editors, would not have been cheerfully sanctioned by the distinguished author could he have been consulted in the matter.

In the fourth impression of this work, printed from the original forms, it has not been practicable to attempt any general revision. A few minor errors to which attention has been called since the first impression have, however, been corrected.—*M. I. D., January, 1907.*

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PREFACE.

In an address delivered at the laying of the corner stone of the Army War College building in Washington, on the 21st of February, 1903, the Secretary of War said:

No better illustration of the necessity of such an institution as this, and of a General Staff to make its work effective, can be found than in the fate which befell the work of a soldier to whose memory I wish to pay honor to-day—Brevet Maj. Gen. Emory Upton, Colonel of the Fourth Artillery. Graduated from West Point in the year 1860, he became while almost a boy one of the most distinguished officers of the civil war. He commanded successively a battery of artillery, a regiment of infantry, a brigade of infantry, a brigade of artillery, and a division of cavalry. Constantly in the field, he exhibited in camp and march and in scores of battles dauntless and brilliant courage, strict and successful discipline, and the highest qualities of command. Gen. James H. Wilson said of him:

"No one can read the story of his brilliant career without concluding that he had a real genius for war, together with all the theoretical and practical knowledge which any one could acquire in regard to it. He was the equal, if not the superior, of Hoche, Desaix, or Skobeleff in all the military accomplishments and virtues, and up to the time when he was disabled by the disease which caused his death he was, all things considered, the most accomplished soldier in our service. His life was pure and upright, his bearing chivalric and commanding, his conduct modest and unassuming, and his character absolutely without blemish. History can not furnish a brighter example of unselfish patriotism, or of ambition unsullied by an ignoble thought or an unworthy deed."

After the close of the civil war he addressed himself to the task of interpreting the lessons of that war to his countrymen for the improvement of our military system. Of his own motion he devised a new system of tactics, which being capable of adoption by a simple military order, was adopted, and revolutionized the tactics of the Army. On the recommendation of General Sherman he was sent around the world with two associate officers to study the armies of Europe and Asia, and upon his return he made a report which gave the results of all his accumulated experience and observation. He recommended the three-battalion formation in cavalry and infantry regiments. He recommended interchangeable service in staff and line as against the permanent staff departments. He recommended examination as a condition to promotion. He recommended the establishment of a General Staff, and he recommended the general and systematic extension of military education.

His recommendations had behind them all the prestige of his brilliant military career. They had the advocacy and support of the great soldier who then commanded the American armies, General Sherman. They embodied the practical lessons of the civil war and the results of military science throughout the world. Yet his voice was as the voice of one crying in the wilderness. The Government did not even print his report, but with those of his associates it was filed in manuscript and forgotten among the millions of documents in the archives of the War Department.[b] General Upton subsequently printed the report himself for the benefit of the public through a private publisher. A copy may now and then be found at a second-hand bookstore.

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[a] This quotation is from Gen. James H. Wilson's Introduction to Professor Michie's Life and Letters of Gen. Emory Upton.—EDITORS.

[b] The report of Captain (now General) Sanger on the organization, administration, and material of the artillery of Austria, Great Britain, Germany, Italy, Russia, Japan, China, and Persia was submitted to the Adjutant-General of the Army January 20, 1879.

General Sherman sent it to the Secretary of War with a letter of transmittal, in which he remarked: "I have not had sufficient time at my disposal to admit of my reading the manuscript in detail, but from what I have been able to gather from a hasty inspection of it, I am led to the belief that it contains matter of such importance to the military service that it ought to be published. The matter of the report is

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More than a quarter of a century later, and long after death had ended the restless striving of that far-seeing intelligence, other men working out the same problems with which he dealt found the sanity and wisdom of his conclusions and gave them effect. Were Upton living to-day, still upon the active list of the Army, he would see all of the great reforms for which he contended substantially secured. The three-battalion system, the interchangeability of staff and line, examinations for promotion, and now, by the wisdom of the present Congress, the establishment of a General Staff, and the completion of the system of military education under the controlling body which will find its permanent home in the building whose corner stone we lay to-day.

The publication of these remarks directed attention to an unpublished manuscript to which General Upton had devoted the last years of his life, and which he had left nearly finished, though without revision, upon his death in 1881. This manuscript has now been revised by Gen. Joseph P. Sanger, who, with Gen. George A. Forsyth, accompanied General Upton on his tour around the world in 1875–1877, with the assistance of Maj. William D. Beach and Capt. Charles D. Rhodes, of the Military Information Division of the General Staff. The work was written from a purely military point of view, and in some parts shows a failure to appreciate difficulties arising from our form of government and the habits and opinions of our people with which civil government has necessarily to deal in its direction of the military arm. On some points it is colored by the strong feelings natural to a man who had been a participant in the great conflict of the civil war, then but recently ended, and who himself had taken part in the serious controversies regarding the men and the deeds of that struggle. But the work exhibits the results of such thorough and discriminating research, such a valuable marshaling of the facts of our military history, and such sound and ably-reasoned conclusions drawn from those facts as to the defects and needs of our military system, that it clearly ought to be made available for the study of our officers and for the information of all who may be charged with shaping our military policy in the future.

Many of the mistaken practices which General Upton points out have already been abandoned. We no longer feel obliged to have recourse to short enlistments to obtain enlisted men. The three-battalion system has been adopted. The interchangeability of the staff and line, in place of a permanent staff organization, has become a part of our system, substantially as General Upton recommended. The conflict between the civil authority, represented by the Secretary of War, and the military authority, represented by a commanding general, and the consequent interference by civilian secretaries in the

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largely technical, and probably would not have sufficient interest for the general public to warrant Captain Sanger in publishing it as a private enterprise. If an arrangement can be made with a publisher to take the manuscript and copyright, as well as the risk of pecuniary loss, Captain Sanger is willing they should go to such a one, without expectation of any reward to himself. If such an arrangement can not be made, it is suggested that Congress might be willing to publish the report as an official document."

The report was held up awaiting an appropriation until November 17, 1879, when Captain Sanger was informed by the Adjutant-General that the state of the appropriation did not permit the War Department to subscribe for the proposed publication of the report.

In the meantime Captain Sanger requested and obtained authority to publish extracts from the report, and the latter appeared in popular form in Volume I of the Journal of the Military Service Institution (1880), and in Volumes IV, V, VI, VII, and VIII of the United Service Magazine (1881, 1882, and 1883).

EDITORS.

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command of troops, always inexpedient and usually disastrous, has been obviated by the General Staff act of 1903, which secures unity of professional military command, through the interposition of the Chief of Staff, with a body of military assistants, between the civil authorities and the military forces of the country. Compulsory retirements, examinations for promotion, the division of military information, the General Staff, and a general system of military education, all have been provided for since this work was written. Provision has been made by the militia act of 1903 for furnishing the discipline and training, upon which he is so insistent, to that part of the militia which is now known as the "organized militia," and for the training of many citizens in the knowledge and practice which will make them competent to serve as officers in the larger body of citizen soldiers, upon whom we must chiefly rely in time of war.

It is to be hoped that a study of the reasons given by General Upton for the policy which is embodied in all these measures will prevent our country from taking any backward step in any one of these directions.

One other field of great importance remains to be covered by legislation; that is, the establishment of an adequate system for raising, training, and officering the volunteer forces of the future. It is of first importance that the distinction between volunteers and militia shall be observed, and that, while the selection of officers of militia shall continue, as it must under the Constitution, to rest with the States, following such mode of selection as they prefer, the officers of the volunteer forces of the United States shall hold their commissions from the President, who is to command them during the war for which they are called out, and shall look to their Commander-in-Chief for the promotion which should reward their good conduct, as well as for such discipline as they may merit; and that an adequate system shall be provided for the selection of such officers and the direct recruitment of the enlisted volunteer force under the authority of the National Government. In this work will be found collected the facts, which it is sometimes unpleasant to consider but which ought not to be ignored, supporting this view.

Upon the original manuscript, at the foot of the discussion of the war of 1812, is found a penciled note in the handwriting of General Sherman which concludes in these words:

> I doubt if you will convince the powers that be, but the facts stated, the references from authority, and the military conclusions are most valuable and should be printed and made accessible. The time may not be now, but will come when these will be appreciated, and may bear fruit even in our day.—W. T. Sherman.

That great authority confirms the judgment that this work ought to be rescued from oblivion.

ELIHU ROOT,
Secretary of War.

JANUARY 12, 1904.

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THE MILITARY POLICY OF THE UNITED STATES.

INTRODUCTION.

Shortly after the disastrous battle of Camden, Washington wrote to the President of Congress "what we need is a good army, not a large one." Unfortunately for the country, the object sought by this assertion, so thoroughly in harmony with our cherished institutions, has only been partially attained in time of peace.

In view of the growth of our neighbors, the vast extent of our territory, and the rapid increase of our floating population, the time must speedily arrive when all intelligent and law-abiding people will accept, and adhere to, the opinion of John Adams that "the National defense is one of the cardinal duties of a statesman."

Our military policy, or, as many would affirm, our want of it, has now been tested during more than a century. It has been tried in foreign, domestic, and Indian wars, and while military men, from painful experience, are united as to its defects and dangers, our final success in each conflict has so blinded the popular mind, as to induce the belief that as a nation we are invincible.

With the greater mass of people, who have neither the time nor the inclination to study the requirements of military science, no error is more common than to mistake military resources for military strength, and particularly is this the case with ourselves.

History records our triumph in the Revolution, in the War of 1812, in the Florida War, in the Mexican War, and in the Great Rebellion, and as nearly all of these wars were largely begun by militia and volunteers, the conviction has been produced that with us a regular army is not a necessity.

In relating the events of these wars, the historian has generally limited himself to describing the battles that have been fought, without seeking to investigate the delays and disasters by which they have been prolonged, till, in nearly every instance, the national resources have been exhausted.

The object of this work is to treat historically and statistically, our military policy up to the present time, and to show the enormous and unnecessary sacrifice of life and treasure, which has attended all our armed struggles.

Whether we may be willing to admit it or not, in the conduct of war, we have rejected the practice of European nations and with little variation, have thus far pursued the policy of China.

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All of our wars have been prolonged for want of judicious and economical preparation, and often when the people have impatiently awaited the tidings of victory, those of humiliating defeat have plunged the nation into mourning.

The cause of all this is obvious to the soldier and should be no less obvious to the statesman. It lies partly in the unfounded jealousy of not a large, but even a small standing army; in the persistent use of raw troops; in the want of an expansive organization, adequate for every prospective emergency; in short and voluntary enlistments, carrying with them large bounties; and in a variety of other defects which need not here be stated. In treating this subject, I am aware that I tread on delicate ground and that every volunteer and militiaman who has patriotically responded to the call of his country, in the hour of danger, may possibly regard himself as unjustly attacked.

To such I can only reply, that where they have enlisted for the period of three months, and, as at Bladensburg and on many other fields, have been hurled against veteran troops, they should not hold me responsible for the facts of history, which I have sought impartially to present. To such volunteers as enlisted for the period of the Mexican War, and particularly for two and three years during the War of the Rebellion, with whom it is my pride to have served and to whom I owe all of my advancement in the service, I but express the opinion of all military men, in testifying that their excellence was due, not to the fact that they were volunteers, but to the more important fact that their long term of service enabled them to become, in the highest sense, regulars in drill, discipline, and courage.

With a keen appreciation of their own ignorance and helplessness when they entered the service, the veterans of Gettysburg laughed at the militia who assisted in driving Lee across the Potomac, satirically asking the full regiments fresh from home, "Where they buried their dead?" The same men who felt hostile to the regular troops because of their superior discipline, found as they approached the same standard that no gulf lay between them, and with the recollections of Bull Run fresh in their memories they in turn ever after made sport of the raw troops which came temporarily to their aid.

Every battlefield of the war after 1861 gave proof to the world of the valor of the disciplined American soldier; but in achieving this reputation the nation was nearly overwhelmed with debt from which we are still suffering, while nearly every family in the land was plunged in mourning.

Already we are forgetting these costly sacrifices, and unless we now frame and bequeath to the succeeding generation a military system suggested by our past experience and commended by the example of other enlightened nations, our rulers and legislators in the next war will fall into the same errors and involve the country in the same sacrifices as in the past.

It has been truly remarked by one of our philosophers that "We follow success and not skill."

Should my labors in a field thus far unoccupied, and which I do not pretend to exhaust, be instrumental in aiding our future statesmen to achieve national success through skill, to the saving of life and treasure, it will be my satisfaction to have discharged a duty which every patriotic soldier and citizen owes to his country.

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Up to this time in our history our military policy has been largely shaped by the Anglo-Saxon prejudice against "standing armies as a dangerous menace to liberty." Assuming that with this as one of his premises the reader has come to the erroneous conclusion that the officers of the army are wholly given over to selfishness and ambition it ought not to be difficult to convince him that no one of their number can suggest any change or modification of our system without being false to his guild.

No one can study the subject without acknowledging that our military policy is weak and that it invites and inevitably produces long wars, and that in the race for military laurels the professional soldier usually distances all competitors.

A century is a short period in the life of a nation, but its history may convey many valuable lessons as the result of the system which we cherish as our own invention; thus, the War of the Revolution lasted seven years, the War of 1812 three years, the Florida War seven years, the Mexican War two years, and the Rebellion four years, not to mention the almost incessant Indian wars of this period. In other words, since the publication of the Declaration of Independence to this time these figures show that for every three years of peace we have had one year of actual war.

The same prejudice has led our people to another false conclusion. If standing armies are dangerous to liberty, then it ought to follow that officers of the army should be inimical to republican institutions. But here again, if the lessons of history be read and accepted, it will be admitted that of all forms of government the republican, or democratic, is most favorable to the soldier. There is not a well-read officer in our service who does not know that monarchy sets a limit to military ambition, while in republics military fame is frequently rewarded with the highest civic honors.

The history of Rome, Greece, and Carthage affords abundant support for this statement, while, on the other hand, that of England shows that of all her great heroes Cromwell alone, in the days of the Commonwealth, stepped from the head of the army to the head of the state. After the restoration, Marlborough and Wellington received titles and estates, but those were bestowed by the Crown instead of the people.

In France, Turenne and Condé added the luster of their achievements to the glory of the King, but the wars of the Revolution filled Europe with the fame of republican generals, Napoleon at their head. When through popular favor he became First Consul and finally rose to supreme power he gave rank and titles to his generals, but the fame of his marshals was merged in the glory of the Emperor. He knew how to exalt and how to abase; he could tolerate no rival; a line in the Moniteur could at any time make or destroy the reputation of a marshal.

In our day Bismarck planned the political unity of Germany, while Von Moltke alone made it possible by destroying in two campaigns the military power of Austria and France.

Had Germany been a republic both would have risen to the chief magistracy of the state, but under a monarchy they had to content themselves with fame, titles, and estates, and the patronizing favor of a kind-hearted Emperor.

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The French, on the contrary, after establishing a republic, elevated to the presidency the marshal who surrendered the Imperial army at Sedan.

Our own people, no less than the Romans, are fond of rewarding our military heroes. The Revolution made Washington President for two terms; the war of 1812 elevated Jackson and Harrison to the same office, the first for two terms, the latter for one; the Mexican war raised Taylor and Pierce to the Presidency, each for one term; the rebellion has already made Grant President for two terms, Hayes for one term, while the present Chief Magistrate, Garfield, owes his high office as much to his fame as a soldier as to his reputation as a statesman.[a]

Long wars do not reward the highest commanders only. After the Revolution Knox, Dearborn, and Armstrong rose to the office of Secretary of War; Hamilton was Secretary of the Treasury; while Monroe, first Secretary of State, was finally elected President for two terms. During the Rebellion nearly 150 regular officers rose to the grade of brigadier and major general who, but for the four years' struggle, would have been unknown outside of the military profession.

Since the war, distinguished officers of volunteers have filled nearly every office in the gift of the people. They have been elected chief magistrates of their States, and to-day on both floors of Congress they are conspicuous alike for their numbers and influence.

The rewards following long wars apply chiefly to the combatant branch of the Army, but if we assume that all officers are devoid of patriotism there is another large class, namely, the staff, who should denounce any change in our system.

The officers of the supply department know that money is power and that the disbursement of it commands influence and friends. During the four years before the rebellion the total disbursements of the Quartermaster's Department was less than thirty-five millions of dollars. During the four years of war, they exceeded a thousand millions. Up to 1861 the Quartermaster-General could give no orders to persons outside of his own officers; during the war he issued general orders to more than a hundred thousand employees, and became admiral of a fleet of more than a thousand vessels.

The Surgeon-General, before 1861, could not control a single sick or convalescent soldier. During the war he was put in command of all the general hospitals and had subject to his orders more than a hundred thousand men. In other departments there was a similar increase of authority not enjoyed alone by their respective officers, who, except for the war, would never have been known as agents of the Government.

Free from danger and from lust of power, if the noncombatant officers love war more than peace, it is manifest that they, too, should join the ambitious soldier and the demagogue in the cry, "Standing armies are dangerous to liberty." But who are our officers that they should be charged with mere selfishness and ambition? If we take those educated by the Government from their youth, are they not selected by the representatives of the people and from every class of society?

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[a] Both Presidents, Benjamin Harrison and William McKinley, elected to the Presidency in the years 1888 and 1896, respectively, were volunteer officers of distinction in the civil war.—EDITORS.

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Are not their fathers, mothers, and their own sons in civil life, and in common with them, are they not citizens of the same country enjoying the blessings of the same Government? Nurtured by this Government, taught to love and defend its flag, are they alone a large family connection most likely to prove false to the institutions which have placed us first among nations? Is death on the field of battle no evidence of love for one's country? Have the officers of our Army to-day no sense of duty? In time of universal peace are those who continually expose their lives in Indian wars to open up to civilization the rich lands of the far West, actuated by no other motive than love of promotion? These questions to the reader are all pertinent in enabling him to penetrate the motive of the author. Whether or not he will concede to the Army a patriotism as bright and enduring as that which prevails in civil life, he no doubt will admit that as the man who uses a weapon is the best judge of its fitness, so a professional soldier should be the best judge of what constitutes a good military system.

In every civilized country success in war depends upon the organization and application of its military resources. The resources themselves consist of men, material, and money. Their organization is wholly within the province of the statesman. Under our Constitution Congress has the power to raise and support armies, and, subject to the supervision of the President, only professional soldiers should command them.

In time of war the civilian as much as the soldier is responsible for defeat and disaster. Battles are not lost alone on the field; they may be lost beneath the Dome of the Capitol, they may be lost in the Cabinet, or they may be lost in the private office of the Secretary of War. Wherever they may be lost, it is the people who suffer and the soldiers who die, with the knowledge and the conviction that our military policy is a crime against life, a crime against property, and a crime against liberty. The author has availed himself of his privileges as a citizen to expose to our people a system which, if not abandoned, may sooner or later prove fatal. The time when some one should do this has arrived.

Up to the Mexican War there was little that was glorious in our military history.

In the Revolution, the Continentals or Regulars often displayed a valor deserving of victory, but which was snatched away by the misconduct of undisciplined troops.

In the War of 1812 the discipline and victories of the Navy alone saved the country from dishonor. On the land the historian of the Army was glad to slur over needless disasters, to dwell on the heroism in the open field displayed by the Regulars at Chippewa and Lundys Lane. The Mexican war was a succession of victories. The Volunteers as well as the Regulars were disciplined troops.

The Rebellion began with the defeat at Bull Run, but a multitude of subsequent battles again proved that the valor of disciplined American troops, be they Regulars or Volunteers, can not be excelled by the best armies of Europe.

No longer compelled to doubt the prowess of our armies, the time has come to ask what was the cause of defeats like those of Long Island, Camden, Queenstown, Bladensburg, and Bull Run. The people who, under the war powers of the Constitution, surrender their liberties and give up their lives and their property have a right to

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know why our wars are unnecessarily prolonged. They have a right to know whether disasters have been brought about through the neglect and ignorance of Congress, which is intrusted with the power to raise and support armies, or through military incompetency. Leaving their representatives free to pay their own salaries, the people have a right to know whether they have devoted their time to studying the art of government.

War, it need scarcely be said, affects the life, liberty, and property of the individual citizen, and beyond that the life of the nation. On its issue necessarily depends the fate of governments and the happiness of millions of human beings, present and future.

From the known method of selecting generals in most of our wars, no one assumes that the title implies knowledge of the art of war. Conscious that our legislators make a merit of neglecting the national defense, shall they, too, like our generals, enjoy unearned titles, or the highest of all titles, that of statesman?

Foreign governments, surrounded by powerful neighbors, act on the theory that military commanders can be educated, no less than captains and lieutenants. The same theory is true of statesmen. A general does not so much regard the causes of war; his duty is to be familiar with military history and to know the details and principles upon which successful war is conducted.

The statesman, on the contrary, should study peace and the causes which tend to preserve or destroy it. History will teach him that peace ends in war and war again ends in peace. If the causes which terminate peace and produce war can not be removed, and if the legislator does not recognize and know how to create a powerful army, he ceases to be a statesman.

In the course of his labors the author has met with many discouragements. As a rule it has only been necessary to mention to his brother officers the words "military policy" to provoke the reply that "We have no military policy;" that everything is left to luck or to chance. While apparently true, this conclusion is nevertheless a mistake.

Laws whose operation have been the same in all our wars constitute a system, wise or unwise, safe or unsafe, according to their fruit. Contemplating the same results in the rebellion as in the Revolution and the war of 1812, it can not be denied that the impression has sunk deep into the Army that no change will ever be made for the better. There is ample reason for such a conviction. Ultimate success in all our wars has steeped the people in the delusion that our policy is correct and that any departure from it would be no less difficult than dangerous.

Again, our remoteness from powerful nations has led to another delusion—that we shall forever be free from foreign invasion. Within the present year (1880) a Senator of the United States, standing on the parapet of Fort Monroe and witnessing the firing of worthless smoothbore artillery, assured the author that we would not have another war in a century. No statesman would have made such a prediction. He would have recalled the Revolution, the War of 1812, and the Mexican War. He would have pointed to the British possession on the north, to Mexico on the west, and Spain on the south; he would not have forgotten the affair of the *Virginius* and the frequent complications on the Rio Grande as proof that at any moment we may be plunged into another foreign war. He would, furthermore,

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have condemned the useless ordnance before him, and would have declared that wisdom and economy demand that we should be ready for any war whenever and wherever it may occur.

He would not have stopped there; accepting the truth that the nation is governed best which is governed least, and that ours is a government of the people, he would nevertheless have told the Senator that the military policy of a republic should look more to the dangers of civil commotion than to the possibility of foreign invasion. He need not have referred to the forty years of anarchy and civil war which terminated in the establishment of the Roman Empire; he could have appealed to our own history and informed the Senator that in less than a century our peace had been disturbed by Shay's Rebellion, the Whisky Rebellion, the Great Rebellion, and more recently still the Railroad Riots of 1877. He could have informed the Senator that if our policy in foreign wars has been feeble and childish, at least half the expenditure and bloodshed has been borne by our enemies, while in civil commotion the loss of every dollar and the sacrifice of every life fall upon the citizens of the Republic.

He could have continued his lecture and told the Senator that as a nation we can afford to imitate the daily example of our citizens. The pioneer who seeks a home in the forest first builds a cabin, then a log house, and next a frame house. He does not accuse himself of extravagance. The cabin answered his purposes when he was poor and without family, but when his children multiplied he tore it down and put such material as was worth saving into the log house. This, too, satisfied his wants, but when he began to have neighbors, when roads were opened and friends and strangers began to visit him, he saw that he lacked room and, having become prosperous, he abandoned the log home and for comfort and appearance built a house and barn which excited the admiration of every passer-by.

Looking at the example of every pioneer, as well as the prosperous man of business, the statesman could have informed the Senator that the military policy of an agricultural nation of 3,000,000 people just emerging from the forest, was no policy for a nation extending from ocean to ocean and now numbering more than fifty millions.[a] But bad as is our system it would be unpatriotic to attack it if at the same time no remedy could be suggested. In order that this work may not be misjudged we will first indicate to the reader the chief causes of weakness of our present system, and next will outline the system which ought to replace it.

The causes of the weakness are as follows:

First. The employment of militia and undisciplined troops commanded by generals and officers utterly ignorant of the military art.

Second. Short enlistments from three months to three years, instead of for or during the war.

Third. Reliance upon voluntary enlistments, instead of voluntary enlistments coupled with conscription.

Fourth. The intrusion of the States in military affairs and the consequent waging of all our wars on the theory that we are a confederacy instead of a nation.

Fifth. Confusing volunteers with militia and surrendering to the States the right to commission officers of volunteers the same as officers of militia.

[a] By the last census (1900), the population of the United States, exclusive of colonial possessions, Alaska, and Indian Territory, was 75,568,686.—EDITOR.

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Sixth. The bounty—a national consequence of voluntary enlistments.

Seventh. The failure to appreciate military education, and to distribute trained officers as battalion, regimental, and higher commanders in our volunteer armies.

Eighth. The want of territorial recruitment and regimental depots.

Ninth. The want of post-graduate schools to educate our officers in strategy and the higher principles of the art of war.[a]

Tenth. The assumption of command by the Secretary of War.

The main features of the proposed system are as follows:

First. In time of peace and war the military forces of the country to consist of—

The Regular Army,

The National Volunteers, and

The Militia.

The Regular Army in time of peace to be organized on the expansive principle and in proportion to the population, not to exceed one thousand in one million.

The National Volunteers to be officered and supported by the Government, to be organized on the expansive principle and to consist in time of peace of one battalion of two hundred men to each Congressional district.

The Militia to be supported exclusively by the States and as a last resort to be used only as intended by the Constitution, namely, to execute the laws, suppress insurrections, and repel invasions.

The author is well aware that in suggesting this system he will be accused of favoring centralization and strong government. This is a charge which he would neither covet nor deny. No soldier in battle ever witnessed the flight of an undisciplined army without wishing for a strong government, but a government no stronger than was designed by the fathers of the Republic.

Founded in the affections of the people, the Constitution in time of danger gives Congress absolute power to raise and support armies and to lay its hands upon every man and every dollar within the territory of the nation.

Recognizing, moreover, that the individual life is to be sacrificed to the life of a state, the same Constitution permits the suspension of the writ of habeas corpus, giving to Congress and to the President power not only over life and property, but over the liberty of every citizen of the Republic. It is a popular delusion that armies make wars; the fact is wars inevitably make armies. No matter what the form of government, war, at the discretion of the rulers, means absolute despotism, the danger from which increases as the war is prolonged. Armies in time of peace have seldom if ever overthrown their governments, but in time of anarchy and war the people have often sought to dictate, and purchase peace at the expense of their liberty. If we would escape this danger we should make war with a strong arm. No foreign invader should ever be allowed a foothold on our soil. Recognizing, too, that under popular institutions the majority of the people create the government and that the majority will never revolt, it should be our policy to suppress every riot and stamp out every insurrection before it swells to rebellion. This means a strong government, but shall we find greater safety in one that is weaker?

Military resources are one thing and military strength another.

[a] These schools now exist.—EDITORS.

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For military resistance, the strength of a government is the power it can wield on the field of battle. In the war of 1812 the strength of the Government at the battle of Bladensburg was measured by 6,000 militia; at Bull Run it was measured by 35,000 of the same kind of troops. In one case the capital fell into the hands of the enemy, while in the other our existence as a nation possibly depended upon the irresolution and supineness of a band of insurgents. At Gettysburg the wave of rebellion was resisted by 80,000 veteran troops; had we trusted to the same number of militia the capital would have been captured and the Government hopelessly destroyed. Unable to suppress in two years an insurrection which culminated in a great rebellion, the representatives of the people were forced to adopt conscription and to concentrate in the hands of the President all the war powers granted by the Constitution, whereupon weakness gave place to strength, but at the expense of a needless sacrifice of life and property.

If in time of rebellion our own Government grew more despotic as it grew stronger, it is not to be inferred that there is any necessary connection between despotism and military strength.

Twenty thousand regular troops at Bull Run would have routed the insurgents, settled the question of military resistance, and relieved us from the pain and suspense of four years of war.

China, the most despotic of Governments, has no military strength; numbering 400,000,000 people, she has been twice conquered by a few despised Tartars, and only a few years ago 20,000 English and French dictated peace at the walls of the capital. In Persia the Shah can lop off the heads of his subjects or wall them up alive at his pleasure, and yet it has been said that a single foreign battalion could overthrow his throne, while a brigade would starve in his dominions.

In seeking to avoid the dangers of weakness and despotism the author would not have it imagined that his work will produce immediate effect, or that his system will be adopted in five, ten, or even twenty years. Such a revolution in our military policy must be preceded by a change in popular sentiment.

Foreign governments for more than a hundred years have recognized us as a nation, but, strange to say, a fact patent to all the world, is as yet recognized by scarcely a majority of our people.

Our forefathers hated Great Britain because she repeatedly subverted the government of the colonies. A large portion of their descendants, confusing states rights with state sovereignty, look upon the General Government as equally hostile to the States. When this feeling is abandoned; when it is understood that the life of the State is bound up in the life of the nation; when it is appreciated that republicanism, State and national, guaranteed by the Constitution, is the natural bulwark against the two forms of despotism—absolute monarchy on the one side and absolute democracy on the other—then, and not till then, will the views of the author be accepted. Should his work be received unkindly he will at least have the satisfaction that he has sought to be true to the Republic, and that in view of its increasing grandeur he has endeavored to present a military system which, recognizing the opposition to large standing armies, will still be compatible with the safety, honor, and the liberty of our people.

E. U.

FORT MONROE, VIRGINIA, 1880.

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CHAPTER I.

MILITARY POLICY OF THE UNITED STATES DURING THE REVOLUTION.

CAMPAIGN OF 1775.

As early as the year 1774 several of the colonies began to make preparations for an armed conflict with Great Britain. In Massachusetts, although the royal governor had countermanded the summons convening the colonial assembly, the members came together and resolved themselves into a Provincial Congress, with John Hancock as president.

This congress adopted an organization for the militia and appointed several general officers; it also named a committee of safety to organize the militia, commission their officers, and direct their operations when called into the field; and a committee of supplies, charged with procuring arms and provisions.

The committee of safety appointed by a Second Provincial Congress which met in 1775 consisted of eleven persons and had authority to raise and support such a military force as it might deem proper to resist the execution of the acts of Parliament.

Under the powers thus conferred, companies and regiments of militia were organized throughout the colony and a third part of the militia, called "minute men," agreed to hold themselves in readiness to march at a minute's warning.

Such were the crude preparations when the movements of the British troops on the 19th of April, 1775, precipitated the conflict at Lexington and Concord and inaugurated the American Revolution.

During the retreat to Boston, a distance of 20 miles, the killed and wounded on the British side numbered 223, while their angry pursuers, though without organization or leaders, by taking advantage of every obstacle along the route, lost but 88 men.

Three days later—April 22, 1775—the first step was taken toward organizing a combined defense against the mother country. On that day the congress of Massachusetts unanimously resolved that an army of 30,000 men was necessary for the defense of the colony and decided to raise at once 13,600 men, hoping that the remainder of the force required would be supplied by the authorities of Connecticut, Rhode Island, and New Hampshire.

The Massachusetts troops were organized by giving a captain's commission to anyone who could enroll a company of 59 men, and the commission of a colonel to anyone who could get together ten such companies.

This system, under which ability to raise men is made the sole qualification for command, deserves particular attention, since it has come down to our own times and has been employed, without exception, at the beginning of all our wars.

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Immediately after the engagement of Lexington, militia and minute men from all the New England colonies—individually, by company, and by regiment—began to assemble near Boston, and these half-organized troops, which only by courtesy recognized a common commander, fought, on the 17th of June, the battle of Bunker Hill.

In the three assaults upon the redoubt and breastworks held by the Americans the British lost 1,054 men, including 85 officers, an aggregate in killed and wounded almost one-half greater than that sustained in any subsequent battle of the war; the casualties on the American side, 490 in all, mostly took place while the troops were retreating across Charlestown Neck, after the capture of the works.

The lesson to be learned from this remarkable conflict is the value of trained officers in command of raw troops, a lesson which neither our statesmen nor our historians have ever been able to appreciate.

When, at the council of war which decided upon the occupation of Bunker Hill, Putnam said that "the Americans are never afraid of their heads, they only think of their legs, shelter them and they will fight forever," he enunciated, with rare military wisdom, a general principle which applies to raw troops of all nations.

In the battle which followed, conspicuous above all for bravery, were Prescott, Putnam, Stark, Knowlton, and many other officers who had received a military training in the French and Indian wars.

The troops in the redoubt and behind the rail breastworks were rendered calm and determined by the coolness, judgment, and resolution of their commanders. Being urged to quicken the step of his men, when they came under artillery fire on their way to the breastworks, the experience of Stark prompted the reply, "one fresh man in action is worth ten fatigued ones."

During the various assaults it was the confidence of the militia troops in Prescott that enabled them to wait till he gave the command "fire." It was by the advice and under the supervision of veteran officers that the intrenchments were constructed, and it was by reason of their practical experience in the art of war that a defense was made so gallant and so appalling in its results as to amaze the British army and reduce it to the defensive for nearly twelve months.

In the presence of a Prescott, the patriotic Warren, without military knowledge and more eager for the triumph of his country than for personal renown, waived his rank of major-general in a reply as modest as it was true, "I come as a volunteer to learn from a soldier of experience."

Without pausing to discover the secret of the defense of Bunker Hill, the mistaken conviction seized the public mind that the militia were invincible and that patriotism was the sole qualification for a soldier's calling—a fallacy which paralyzed the military legislation of the Revolution and constantly jeopardized our liberties by inducing the political leaders of the time to rely too confidently upon raw and undisciplined levies.

CONTINENTAL ARMY.

Soon after the troops began to arrive in the neighborhood of Boston it became evident that the contest would extend beyond New England, and that to prevent the dissolution of the force already gathered together it must be adopted as a Continental Army.

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Accordingly, in June the Second Continental Congress resolved to take the troops at Boston into the pay of the United Colonies, and on the 15th of the same month appointed George Washington Commander in Chief.

CONGRESS.

The main causes of our weakness during the Revolution can not be appreciated unless we consider the constitution and powers of the Continental Congress. The First Continental Congress assembled at Philadelphia in 1774 for the purpose of taking counsel in regard to the common interests of the colonies.

War at this time not being seriously apprehended, the chief steps taken were to make a "declaration of colonial rights" and to adopt "articles of association" looking to commercial non-intercourse with Great Britain. Addresses were also made to the King and to the people of Great Britain and Canada. Before adjournment provision was made for another Congress to meet on the 10th of May, 1775.

The battle of Lexington, which took place three weeks before the meeting of the Second Continental Congress, forced that body to exercise immediately the functions of civil government. It accordingly assumed both executive and legislative powers; but having no authority to levy taxes or raise a revenue, was compelled to emit bills of credit, their redemption being pledged by the twelve "United Colonies."

The power to create and support armies was thus almost neutralized by a financial system which had no other basis than the faith of the public in the ultimate success of the American cause.

The story of the Revolution would have been very different had local interests and prejudices been set aside, and the Continental Congress clothed with sovereign authority to call forth and utilize the entire military and financial resources of the people.

We need not detail the reasons which induced the Colonies to withhold from their representatives in Congress the powers indispensable to the rigorous prosecution of war. It will be enough to show that the feeble and exhaustive military policy pursued finally reduced Congress to the helpless condition of an advisory body, without power to raise or support a single soldier, except with the aid and concurrence of the States.

Another great defect in the system of government was the combination of executive and legislative power in one deliberative assembly. In times of emergency it was as often swayed by the passions and prejudices of its members as by their wisdom and prudence. The executive power, which was exercised in the form of "resolves," continually tempted Congress to interfere at critical moments in the management of campaigns. Whether this undoubted right was exercised in ordering troops from one army to another, in the appointment or promotion of an officer, or in his removal from command, each executive act was sure to be criticised as freely by the public and the Army as if it had been the act of an individual.

With no executive head to assume the blame that would now be laid at the door of the President and his Cabinet, it was natural that reflections on the administrative capacity of Congress should be resented at times by hasty and passionate legislation, and in proportion as that body found its conduct arraigned it felt less inclined to listen to its critics or to profit by their advice.

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Military legislation was thus largely made to depend upon the combined wisdom of a body of citizens who, in their individual experience, were totally ignorant of military affairs.

Fear of a standing army and corresponding jealousy of military dictation, were additional reasons for making the Continental Congress rely upon its own judgment in legislation pertaining to army matters.

Appreciating this, Washington, in his correspondence, repeatedly apologized for intruding his opinions, when, had he remained silent, the indecisions of Congress might have proved fatal to the cause. As the central figure of the Revolution, there was not a single mistake in our military policy which he was not called upon to confront. No apology need, therefore, be offered for the numerous quotations from his letters, which are at this day as well worthy of legislative consideration as they were when first written.

ARMY AT BOSTON.

When Washington assumed command at Cambridge on the 3d of July, 1775, the army investing Boston numbered 17,000 men, all of whose enlistments were to expire before the end of the year.

Recognizing the necessity of a force which should owe its allegiance to the United Colonies exclusively, Congress by resolution of June 14, 1775, authorized the raising of 10 companies of riflemen in Pennsylvania, Virgina, and Maryland, whose term of enlistment was fixed at one year. So great was the popular enthusiasm, that 12 companies of riflemen reported at the camp at Boston within sixty days after the passage of the resolution, several of them having marched a distance of 800 miles. These riflemen, the first troops raised under continental authority and soon recognized as the 6 best corps in the camp, were the nucleus of the army which finally achieved our independence. During the year Congress gradually increased the number of the Continental troops, both infantry and artillery, but entertaining hopes of peace, it could not be prevailed upon to extend the period of their enlistments beyond the end of 1776.

The necessity of providing troops in place of those whose terms would expire before the end of 1775 moved Congress to appoint a special committee to consult with Washington and the Colonies of Massachusetts, Connecticut, Rhode Island, and New Hampshire as to the best method of keeping up a continental army. This committee met at Cambridge on the 18th of October, conferred with delegates from each of the four colonies and, after consulting Washington and his council of war, reported that the army around Boston ought not to be less than 20,370 men, organized into 26 regiments of 8 companies each, exclusive of the artillery and riflemen.

Congress apportioned these 26 regiments as follows: Sixteen to Massachusetts, 5 to Connecticut, 2 to Rhode Island, and 3 to New Hampshire. It was hoped that the regiments might be largely recruited from the troops then around Boston, the vacancies being filled by new levies.

The selection and arrangement of the officers for the new regiments devolved upon Washington, to whom Congress sent blank commissions to be filled out and returned. He relates the difficulties of this labor in the following passage of a letter to Joseph Reed, of Philadelphia, dated November 8, 1775:

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I had like to have forgotten what sits heaviest upon my mind, the new arrangement of officers.

Although we have now enough to constitute the new corps, it has employed the general officers and myself ever since Thursday last, and we are nearly as we began. Connecticut wants no Massachusetts man in her corps, Massachusetts thinks there is no necessity for a Rhode Islander to be introduced into hers, and New Hampshire says it is very hard that her valuable and experienced officers, who are willing to serve, should be discarded, because her own regiments, under the new establishment, can not provide for them. In short, after a few days' labor, I expect that numbers of officers, who have given in their names to serve, must be discarded from the Massachusetts corps, where the regiments have been numerous, and the number in them small, and that of Connecticut will be completed with a fresh recruit of officers from her own government.[a]

His difficulties are further described in a letter to the President of Congress, dated November 11, 1775:

The trouble I have in the arrangement of the Army is really inconceivable. Many of the officers sent in their names to serve in expectation of promotion; others stood aloof to see what advantage they could make for themselves, while a number, who had declined, have again sent in their names to serve. So great has the confusion arising from these and many other perplexing circumstances been that I found it absolutely impossible to fix this very interesting business exactly on the plan resolved on in the conference, though I have kept up to the spirit of it as near as the nature and necessity of the case would permit.

The difficulty with the soldiers is as great, indeed, more so, if possible, than with the officers. They will not enlist until they know their colonel, lieutenant-colonel, major, and captain, so that it was necessary to fix the officers the first thing, which is, at last, in some manner done, and I have given out enlisting orders.[b]

The recruiting of the men gave Washington even more trouble than the arrangement of the officers. Up to the 19th of November the returns showed that only 966 men had enlisted.

On the same day he wrote to the President of Congress:

There must be some other stimulus, besides love of their country, to make men fond of the service. It would be a great encouragement and no additional expense to the continent were they to receive pay for the months of October and November, also a month's pay in advance.[c]

In his next letter to the President of Congress, dated November 28, 1775, he says:

The number enlisted since my last is two thousand five hundred and forty men. I am sorry to be necessitated to mention to you the egregious want of public spirit which reigns here. Instead of pressing to be engaged in the cause of their country, which I vainly flattered myself would be the case, I find we are likely to be deserted in a most critical time. Those that have enlisted must have a furlough, which I have been obliged to grant to fifty at a time, from each regiment. The Connecticut troops, upon whom I reckoned, are as backward, indeed, if possible, more so than the people of this colony. Our situation is truly alarming, and of this General Howe is well apprised, it being the common topic of conversation when the people left Boston last Friday. No doubt when he is reenforced he will avail himself of the information.[d]

In a private letter to Joseph Reed, of the same date, he expressed his feelings still more forcibly:

Such a dearth of public spirit and such want of virtue, such stock-jobbing and fertility in all the low arts to obtain advantages of one kind or another in this great change of military arrangement I never saw before, and pray God's mercy that I may never be witness to again. What will be the end of these maneuvers is beyond my scan. I tremble at the prospect. We have been till this time enlisting about three thousand five hundred men. To engage these I have been obliged to allow furloughs as far as fifty men to a regiment, and the officers, I am persuaded,

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[a] Sparks's Writings of Washington, vol. 3, p. 151.
[b] Sparks's Writings of Washington, vol. 3, p. 156.
[c] Sparks's Writings of Washington, vol. 3, p. 165.
[d] Sparks's Writings of Washington, vol. 3, p. 176.

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indulge as many more. The Connecticut troops will not be prevailed upon to stay longer than their term, saving those who have enlisted for the next campaign, and are mostly on furlough; and such a mercenary spirit pervades the whole that I should not be at all surprised at any disaster that may happen. In short, after the last of this month our lines will be so weakened that the minute men and militia must be called in for their defense, and these being under no kind of government themselves will destroy the little subordination I have been laboring to establish, and run me into one evil while I am endeavoring to avoid another; but the less must be chosen.[a]

On the 15th of December he wrote to the same person:

Our enlistment goes on slowly. By the returns last Monday, only 5,917 men are engaged for the ensuing campaign, and yet we are told that we shall get the number wanted, as they are only playing off to see what advantages are to be made, and whether a bounty can not be extorted, either from the public at large or individuals, in case of a draft.[b]

By resolution of July 21, Congress empowered Washington to maintain such an army around Boston as he thought necessary, provided it did not exceed 22,000 men. Availing himself of this authority, he was soon obliged, on account of the slowness of enlistments, to call for 5,000 militia and minute men to take the place of the troops from Connecticut and other colonies whose terms of service would expire on the 1st of December. The militia were to report in camp by the 10th of December, and to remain in service till the 15th of January.

In a letter to Governor Trumbull, dated December 2, Washington dwells upon the evils of short enlistments which necessitated this temporary dependence upon militia.

The reason of my giving you the trouble of this, is the late extraordinary and reprehensible conduct of some of the Connecticut troops. Some time ago, apprehending that some of them might incline to go home, when the time of their enlistment should be up, I applied to the officers of the several regiments to know whether it would be agreeable to the men to continue until the 1st of January, or until a sufficient number of other forces could be raised to supply their place, who informed me, that they believed the whole of them would readily stay till that could be effected. Having discovered last week, that they were very uneasy to leave the service, and determined upon it, I thought it expedient to summon the general officers at headquarters, and invite a delegation of the general court to be present, that suitable measures might be adopted for the defense and support of our lines. The result was that 3,000 of the minute men and militia of this province, and 2,000 men from New Hampshire, should be called in by the 10th inst. for that purpose. With this determination the Connecticut troops were made acquainted, and requested and ordered to remain here, as the time of most of them would not be out before the 10th, when they would be relieved. Notwithstanding this, yesterday morning most of them resolved to leave the camp. Many went off, and the utmost vigilance and industry were used to apprehend them. Several got away with their arms and ammunition.[a]

Trumbull replied to this:

The late extraordinary and reprehensible conduct of some of the troops of this colony impresses me, and the minds of many of our people, with grief, surprise, and indignation; since the treatment they met with, and the order and request made to them, were so reasonable and apparently necessary for the defense of our common cause, and safety of our rights and privileges, for which they freely engaged; the term they voluntarily enlisted to serve had not expired, and probably would not end much before the time when they would be relieved, provided their circumstances and inclination should prevent their undertaking further.

Indeed, there is great difficulty to support liberty, to exercise government, to maintain subordination, and at the same time to prevent the operation of licentious and leveling principles, which many very easily imbibe. The pulse of a New England man beats high for liberty; his engagement in the service he thinks purely voluntary; therefore, when the time of enlistment is out, he thinks himself not holden

[a] Sparks's Writings of Washington, vol. 3, pp. 178, 179.
[b] Sparks's writings of Washington, vol. 3, p. 201.

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without further engagement. This was the case in the last war. I greatly fear its operation amongst the soldiers of the other colonies, as I am sensible this is the genius and spirit of our people.[a]

Those who are familiar with our military history will not be surprised at the conduct of these Connecticut troops. Each succeeding year of the Revolutionary struggle found American soldiers behaving in like manner; and during the War of the Rebellion a similiar course was followed by the regiments whose terms of service expired on the morning of the first battle of Bull Run.

During the year, other regiments and battalions were raised in the different colonies, the number of troops for the Northern Department, New York, being fixed by resolution of Congress of July 25 at 5,000. In reorganizing these troops on the Continental basis 400 commissions, signed in blank by the President of Congress, were sent to General Schuyler to be filled out and returned. Commissions in blank were also sent to the different colonies to be filled out by the conventions of the colonies or, in their recess, by the councils of safety.

BOUNTY.

Any system of voluntary enlistments necessarily places a government in the position of a suppliant, and when patriotism and popular enthusiasm no longer suffice to fill the ranks, resort must be had to the vicious practice of giving bounties to recruits. Even at that early day the letters of Washington refer to the bad effects of this practice, and the danger of admitting it as a principle was recognized by Congress when it resolved, on the 6th of December, 1775, "That the charge of bounty in the account exhibited by Rhode Island against the United Colonies be not allowed."

Notwithstanding this disapproval, the sequel will show that bounties were paid throughout the Revolution, and, as was the case during the War of the Rebellion, were at all times potent factors of evil and discontent.

DESERTION.

During the campaign of 1775, the attention of Congress being called to the prevalence of desertions, an evil which is closely allied to the systems of voluntary enlistments and bounties, this body, on the 4th of November, recommended the several legislatures, assemblies, and conventions of colonies to enact laws inflicting a punishment of not less than $30 nor more than $50 upon such as knowingly harbor deserters, and if unable to pay the fine "to be punished with whipping, not exceeding 30 lashes for each offense."

In a letter to the president of the council of Massachusetts Bay, dated August 7, Washington says:

By the general return made to me for last week, I find there are great numbers of soldiers and noncommissioned officers who absent themselves from duty, the greater part of whom, I have reason to believe, are at their respective homes in different parts of the country; some employed by their officers on their farms and others drawing pay from the public, while they are working on their own plantations or for hire. My utmost exertions have not been able to prevent this base and pernicious conduct. I must, therefore, beg the assistance of the General Court to cooperate with me in such measures as may remedy this mischief.

I need not enlarge upon the ruinous consequence of suffering such infamous deserters and defrauders of the public to go unnoticed or unpunished, nor use any arguments to induce the general court to give it immediate attention. The neces-

[a] Sparks's Writings of Washington, vol. 3.

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sity of the case does not permit me to doubt the continued exertions of that zeal which has distinguished the general court upon less important occasions.[a]

All of the preceding remarks refer to the army under Washington's command.

MILITIA.

Recognizing the importance of having a body of men to reenforce the Regular Army in times of emergency, on the 18th of July, 1775, Congress recommended "to the inhabitants of the United English Colonies that all able-bodied, effective men, between 16 and 50 years of age, be formed into companies of militia to consist of 1 captain, 2 lieutenants, 1 ensign, 4 sergeants, 4 corporals, 1 clerk, 1 drummer, 1 fifer, and 58 privates. That the officers of each company be chosen by the respective companies."

These companies were to be formed into regiments and battalions, each with 1 colonel, 1 lieutenant-colonel, 2 majors, 1 adjutant, and 1 quartermaster, all officers above the rank of captain being appointed by the provincial assemblies or conventions, or if in recess by the committees of safety.

The militia could only be called out with the consent of the State legislatures. They were specially intended for home defense and to make head against forays of the enemy in the absence of the Regular or Continental Army.

MINUTEMEN.

In imitation of a resolution of the provincial congress of Massachusetts in 1774, Congress, on the 18th of July, 1775, recommended—

That one-fourth part of the militia in every colony be selected as minutemen of such men as are willing to enter into this necessary service, formed into companies and battalions, and their officers chosen and commissioned as aforesaid, to be ready at shortest notice to march to any place where their assistance may be required for the defense of their own or neighboring colony.

Such of the minutemen as desired it were to be relieved by drafts from the whole body of the militia once in four months. This organization of one-fourth of the militia as "minutemen" is interesting as being our first scheme of mobilization.

DISCIPLINE.

The discipline of Washington's army has been touched upon in the extracts from his letters already given. General Schuyler, commanding the Northern Department, refers to the same topic as follows:

The vexation of spirit under which I labor, that a barbarous complication of disorders should prevent me from reaping those laurels for which I have unweariedly wrought since I was honored with this command; the anxiety I have suffered since my arrival here, lest the Army should starve, occasioned by a scandalous want of subordination and inattention to my orders in some of the officers that I left to command at the different posts; the vast variety of vexations and disagreeable incidents that almost every hour arise in some department or other, not only retard my course, but have put me considerably back for some days past. If Job had been a general in my situation, his memory had not been so famous for patience. But the glorious end we have in view, and which I have a confident hope will be attained, will atone for all. * * * Nothing can surpass the impatience of the troops from the New England colonies to get to their firesides. Near three hundred of them arrived a few days ago, unable to do any duty; but as soon as I administered that grand specific, a discharge, they instantly acquired health, and rather than be

[a] Sparks's Writings of Washington, vol. 3, pp. 55, 56.

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detained a few days to cross Lake George, they undertook a march from here of two hundred miles with the greatest alacrity. * * * Our Army requires to be put on a different footing. Habituated to order, I can not, without the most extreme pain, see that disregard of discipline, confusion, and inattention which reign so generally in this quarter, and I am therefore determined to retire. Of this resolution I have advised Congress.[a]

General Montgomery on the 13th of October, while investing St. Johns, wrote to General Schuyler:

I had had a road cut to the intended ground and some fascines made, when I was informed by Major Brown that a general dissatisfaction prevailed, that unless something was undertaken in a few days there would be a mutiny, and that the universal sense of the army was to direct all our attention to the east side. The impatience of the troops to get home has prevented their seeing the impossibility of undertaking this business sooner, the duty being hard for the troops in the present confined state of operations. When I mentioned my intentions I did not consider that I was at the head of troops who carry the spirit of freedom into the field and think for themselves. Upon considering the fatal consequences which might flow from a want of subordination and discipline should this ill humor continue, my unstable authority over troops of different colonies, the insufficiency of the military law, and my own want of powers to enforce it, weak as it is, I thought it expedient to call the field officers together, etc.[b]

RESULTS OF THE CAMPAIGN.

No matter how absolute the necessity for calling out undisciplined troops, history teaches that useless extravagance, often accompanied by inaction or disaster, will surely ensue. Such was the case in the campaign of 1775. The battles of Lexington, Concord, and Bunker Hill, fought before any of the troops were taken into Continental pay, were the only military operations of the army near Boston during the year.

When Washington took command his army numbered 17,000 men, but the number fit for duty did not exceed 14,500. The strength of the enemy was estimated by the council of war at 11,500; but after deducting the sick and wounded his real effective strength was not over 6,500. Notwithstanding this disparity in numbers, neither Washington nor his generals deemed it prudent to attack, and the year passed away in hopeless inactivity.

The invasion of Canada, the only important offensive movement of the campaign, ended in disaster. General Montgomery, after occupying Montreal and joining Arnold, who had made his famous march through the wilderness of Maine, attempted to take Quebec by assault, this step being resolved upon on account of the approaching expiration of the terms of service of nearly all his men. In the action which followed, fought on the last day of the year, Montgomery lost his life, and his troops were repulsed, about 60 being killed and wounded and between 300 and 400 made prisoners. The total number of troops in Continental pay during the campaign of 1775, as appears from the report of the Secretary of War, Henry Knox, submitted to Congress in 1790, was 27,443. In addition to the above, it is estimated that the colonies of Virginia, North Carolina, South Carolina, and Georgia, furnished 10,180 militia, making the whole American Army 37,623. For the most part this force, from want of supplies, organization, and discipline, was maintained at public expense in a state of demoralizing inactivity.

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[a] Sparks's Writings of Washington, vol. 3, note on pp. 132–191.
[b] Sparks's Writings of Washington, vol. 3, note on pp. 132, 133.

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CHAPTER II.

CAMPAIGN OF 1776.

CONDITION OF WASHINGTON'S ARMY.

Washington thus describes the conditions of his army at the beginning of 1776 in letter of January 4, 1776, to Joseph Reed:

Search the volumes of history through, and I much question whether a case similar to ours is to be found, namely, to maintain a post against the flower of the British troops for six months together, without powder, and then to have one army disbanded and another to be raised within the same distance of a reinforced enemy. It is too much to attempt. What may be the final issue of the last maneuver, time only can unfold. I wish this month was well over our heads. The same desire of retiring into a chimney corner seized the troops of New Hampshire, Rhode Island, and Massachusetts, so soon as their time expired, as had wrought upon those of Connecticut, notwithstanding many of them made a tender of their services to continue till the lines could be sufficiently strengthened. We are now left with a good deal less than half-raised regiments and about 5,000 militia, who only stand engaged to the middle of this month, when, according to custom, they will depart, let the necessity of their stay be ever so urgent. Thus for more than two months past I have scarcely emerged from one difficulty before I have been plunged into another.[a]

Up to January 14, but 10,500 men had been enlisted in the establishment of 20,370 authorized by Congress in the previous October, and of this number a large portion was reported as not joined. The recruiting was obstructed by discontented officers and progressed so slowly that Washington gave up all hopes of raising the army by voluntary enlistments, and on the 16th of January he wrote to the general court of Massachusetts Bay mentioning the use of "coercive measures" to fill the regiments to their proper strength. Meantime the term of service of the 5,000 militia called in from the 10th of December till the 15th of January having expired, Washington, on the 16th of January, deeming it "indispensably necessary to make a bold attempt to conquer the ministerial troops in Boston, before they could be reinforced in the spring," requested the opinion of the council of war as to the feasibility of an attack, and the council agreed that an attempt ought to be made. As the present force was inadequate, it recommended that 13 regiments of militia be called into service till the 1st of April; this number was afterwards reduced to 10, in consequence of 3 regiments being needed for service in Canada.

In a written communication Washington called the attention of Congress to the importance of engaging men for the war even at the expense of a bounty. His remarkable letter on this subject, dated February 9, 1776, plainly and forcibly points out the evils, dangers, and extravagance of short enlistments:

The purport of this letter will be directed to a single object. Through you I mean to lay it before Congress, and, at the same time that I beg their serious atten-

[a] Sparks's Writings of Washington, vol. 3, pp. 225, 226.

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tion to the subject, to ask pardon for intruding an opinion, not only unasked but in some measure repugnant to their resolves.

The disadvantages attending the limited enlistment of troops are too apparent to those who are eyewitnesses of them to render any animadversions necessary, but to gentlemen at a distance whose attention is engrossed by a thousand important objects the case may be otherwise. That this cause precipitated the fate of the brave and much to be lamented General Montgomery, and brought on the defeat which followed thereupon, I have not the most distant doubt, for, had he not been apprehensive of the troops leaving him at so important a crisis, but continued to blockade Quebec, a capitulation, from the best accounts I have been able to collect, must inevitably have followed. And that we were not one time obliged to dispute these lines under disadvantageous circumstances proceeding from the same cause, to wit, the troops disbanding of themselves before the militia could be got in, is to me a matter of wonder and astonishment, and proves that General Howe was either unacquainted with our situation or restrained by his instructions from putting anything to hazard till his reinforcements should arrive.

The instance of General Montgomery (I mention it because it is a striking one, for a number of others might be adduced) proves that instead of having men to take advantage of circumstances you are in a manner compelled, right or wrong, to make circumstances yield to a secondary consideration. Since the 1st of December I have been devising every means in my power to secure these encampments; and though I am sensible that we never have since that period been able to act upon the offensive and at times not in a condition to defend, yet the cost of marching home one set of men, bringing in another, the havoc and waste occasioned by the first, the repairs necessary for the second, with a thousand incidental charges and inconveniences which have arisen and which it is scarce possible either to recollect or describe, amount to near as much as the keeping up a respectable body of troops the whole time ready for any emergency would have done.

To this may be added that you never can have a well-disciplined army.

To bring men to be well acquainted with the duties of a soldier requires time. To bring them under proper discipline and subordination not only requires time, but is a work of great difficulty, and in this army, where there is so little distinction between the officers and soldiers, requires an uncommon degree of attention. To expect, then, the same service from raw and undisciplined recruits as from veteran soldiers is to expect what never did and perhaps never will happen. Men who are familiarized to danger meet it without shrinking; whereas troops unused to service often apprehend danger where no danger is.

Three things prompt men to regular discharge of their duty in time of action; natural bravery, hope of reward, and fear of punishment. The two first are common to the untutored and the disciplined soldier; but the last most obviously distinguishes the one from the other. A coward, when taught to believe that if he breaks his ranks and abandons his colors, he will be punished with death by his own party, will take his chance against the enemy; but a man who thinks little of the one and is fearful of the other acts from present feelings, regardless of consequences.

Again, men of a day's standing will not look forward, and from experience we find that as time approaches for their discharge they grow careless of their arms, ammunition and camp utensils. Nay, even the barracks themselves have felt uncommon marks of wanton depredation, and lay us under fresh trouble and additional expense in providing for every fresh set when we find it next to impossible to procure such articles as are absolutely necessary in the first instance. To this may be added the seasoning which new recruits must have to a camp and the loss consequent thereupon. But this is not all. Men engaged for a short, limited time only have the officers too much in their power, for to obtain a degree of popularity in order to induce a second enlistment, a kind of familiarity takes place which brings on a relaxation of discipline, unlicensed furloughs, and other indulgences incompatible with order and good government; by which means the latter part of the time for which the soldier was engaged is spent in undoing what you were aiming to inculcate in the first.

To go into an enumeration of all the evils we have experienced in this late great danger of the army and the expenses incidental to it, to say nothing of the hazard we have run and must run between the discharging of one army and the enlistment of another, unless an enormous expense of militia is incurred, would greatly exceed the bounds of a letter. What I have already taken the liberty of saying will serve to convey a general idea of the matter; and therefore I shall, with all due deference, take the freedom to give it as my opinion that if the Congress have any reason to believe that there will be occasion for troops another year, and consequently for another enlistment, they would save money and have infinitely better troops, if they were, even at a bounty of $20, $30, or more, to engage the men already enlisted, till

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January next and such others as may be wanted to complete the establishment, for and during the war. I will not undertake to say that the men can be had upon these terms; but I am satisfied that it will never do to let the matter alone as it was last year, till the time of service was near expiring. The hazard is too great, in the first place; in the next, the trouble and perplexity of disbanding one army and raising another at the same instant, and in such a critical situation as the last was are scarcely in the power of words to describe and such as no man who has experienced them once will ever undergo again.[a]

EVACUATION OF BOSTON AND TRANSFER OF OPERATIONS TO NEW YORK.

Reenforced by militia, Washington on the 5th of March began to throw up works on Dorchester Heights and take other measures which determined on the 17th the evacuation of Boston. During these operations the militia of the neighborhood were called in for the short space of three days. The total loss of Washington's Army in killed, from the time he took command to the end of the siege of Boston, did not reach 20, while the whole loss in killed from the battle of Lexington was less than 200. No sooner had the British evacuated Boston than Washington, recognizing New York as the next objective point, sent 5 regiments to defend it, and toward the end of April arrived there with nearly all his command.

Meantime, so distressing and perilous was the situation of our troops before Quebec, that Congress required him to send first 4, and later 6, additional regiments to Canada. This last detachment of 3,000 men, the sequence of an unfortunate resolution which only served to divide and scatter his Army, reduced the Continentals under his immediate command to 5,300 men, and, as at Boston, again forced him to depend upon militia called out for short periods of service. With this small band of regulars, and such raw troops as he could get together, he was soon to meet a disciplined enemy numbering from 20,000 to 30,000 men.

The militia for the defense of New York were at first called out by Washington after consultation with the colonial governors, but so grave was the danger that Congress, by resolution of June 3, authorized a special reenforcement of 13,800 militia, of which Massachusetts was to send 2,000, Connecticut 5,500, New York 3,000, and New Jersey 3,300. The same day Congress also authorized the organization of a "flying camp" for the middle colonies, to be located in New Jersey, and to consist of 10,000 militia, of whom Pennsylvania was to furnish 6,000, Maryland 3,400, and Delaware 600.

On the 19th of July the flying camp was further increased by 4 battalions of militia from Pennsylvania, 3 from New Jersey, and 2 battalions of Continentals from Virginia. Despite the oft-repeated recommendations of Washington, the terms of service, both of this special militia force and of the men to compose the flying camp, were to expire on the 1st of December.

Congress on the 1st of June had called out 6,000 militia to further reenforce the army of Canada, of which number Massachusetts was to furnish 3,000 (4 battalions), Connecticut 1,500 (2 battalions), New York 750 (1 battalion), and New Hampshire 750 (1 battalion).

During the first half of 1776 the Continental Army was increased piecemeal. January 4, 10, and 16 an additional battalion was authorized from Pennsylvania, New Jersey, and North Carolina, respectively; January 14, 4 battalions were called for from New York; March 25

[a] Sparks's Writings of Washington, vol. 3, pp. 278, 279; 280, 281.

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2 battalions were authorized in South Carolina; May 16, 2 battalions were called for from Massachusetts and Connecticut, respectively, with a term of enlistment for two years, provided the men would consent; May 18, a regiment of rifles was authorized in Virginia; July 24, the regiment of South Carolina Rangers was taken into the Continental establishment; June 27, a regiment of rifles was created, partly composed of independent companies to be enlisted for three years.

The slow increase of the Continental Army shows that Congress was committed to a dual military establishment, one class of troops being Continental or regular, the other militia. In the former the gradual extension of enlistments to two and three years enabled the men to acquire the discipline which ultimately proved the salvation of our cause. The natural disposition of men to seek the easiest and shortest service prompted them to enlist in the militia in preference to the Continental regiments, and thus the only force which could be depended upon to cope with the British, both offensively and defensively, was always from one-third to one-half below its prescribed strength.

A very important step was taken on the 12th of June when a resolution was passed appointing a permanent committee of five members of Congress, styled the Board of War and Ordnance. Instead of being referred to special and temporary committees all military questions were now brought before this new board, whose functions were analagous to those of a Secretary of War.

DECLARATION OF INDEPENDENCE.

The legislation of the 12th of June was followed on the 4th of July by the culminating event of the year, the "Declaration of Independence."

Whatever indecision might have marked hitherto the progress of the war, the time for action was now at hand, and well-digested measures looking to the speedy expulsion of the British from our soil should have been perfected forthwith. As events turned out, the lesson of history that raw levies can not withstand disciplined troops was again to be repeated.

When Lord Howe landed on Long Island his force, by his own account, was between 15,000 and 16,000 strong. To this Washington could oppose but 8,000 men, who were beaten in the battle of Long Island, fought on the 27th of August. On the 30th they were forced to fall back on New York. Stung by this defeat, Washington, on the 2d of September, wrote to the President of Congress:

> Our situation is truly distressing. The check our detachment sustained on the 27th ultimo has dispirited too great a proportion of our troops and filled their minds with apprehension and despair. The militia, instead of calling forth their utmost efforts to a brave and manly opposition in order to repair our losses, are dismayed, intractable, and impatient to return. Great numbers of them have gone off—in some instances almost by whole regiments, by half ones, and by companies at a time. This circumstance of itself independent of others, when fronted by a well-appointed enemy superior in number to our whole collected force, would be sufficiently disagreeable, but when their example has infected another part of the army, when their want of discipline and refusal of almost every kind of restraint and government have produced a like conduct but too common to the whole, and an entire disregard of that order and subordination necessary to the well-doing of an army and which had been inculcated before, as well as the nature of our military establishment would admit of, our condition becomes still more alarming, and with the deepest concern I am obliged to confess my want of confidence in the generality of the troops.

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All these circumstances fully confirm the opinion I even entertain, and which I more than once in my letters took the liberty of mentioning to Congress, that no dependence could be put in a militia or other troops than those enlisted and embodied for a longer period than our regulations heretofore have prescribed. I am persuaded, and as fully convinced as I am of any one fact that has happened, that our liberties must of necessity be greatly hazarded, if not entirely lost, if their defense is left to any but a permanent standing army; I mean one to exist during the war. Nor would the expense incident to the support of such a body of troops as would be competent to almost every exigency far exceed that which is daily incurred by calling in succor and new enlistments, which when effected are not attended with any good consequences. Men who have been free and subject to no control can not be reduced to order in an instant, and the privileges and exemptions which they claim and will have, influence the conduct of others, and the aid derived from them is nearly counterbalanced by the disorder, irregularity, and confusion they occasion.

I can not find that the bounty of $10 is likely to produce the desired effect. When men can get double that sum to engage in the militia for a month or two, and that militia frequently called out, it is hardly to be expected. The addition of land might have a considerable influence on a permanent enlistment. Our number of men at present fit for duty is under 20,000; they were so by the last returns and best accounts I could get after the engagement on Long Island, since which numbers have deserted. I have ordered General Mercer to send the men intended for the flying camp to this place, about a thousand in number, and to try with the militia if practicable to make a diversion upon Staten Island. Till of late I had no doubt in my own mind of defending this place, nor should I have yet if the men would do their duty, but this I despair of. It is painful and extremely grating to me to give such unfavorable accounts, but it would be criminal to conceal the truth at so critical a juncture.[a]

On the 15th of September, the occupation of New York by the British followed the battle of Long Island. Washington reported the conduct of the troops on this occasion to the President of Congress in a letter dated September 16:

As soon as I heard the firing, I rode with all possible despatch toward the place of landing, when, to my great surprise and mortification, I found the troops that had been posted in the lines retreating with the utmost precipitation, and those ordered to support them (Parson's and Fellow's brigades) flying in every direction and in the greatest confusion, notwithstanding the exertions of their generals to form them. I used every means in my power to rally and get them into some order, but my attempts were fruitless and ineffectual, and on the appearance of a small party of the enemy, not more than 60 or 70, their disorder increased, and they ran away in the greatest confusion, without firing a shot.[b]

Washington's situation at this time was aggravated by his total inability to make head against the enemy and by fears of the breaking up of his own Army. Knowing that the service of the 30,000 militia authorized in June would be over within the year, he wrote to the President of Congress from Harlem Heights on the 24th of September:

We are now, as it were, upon the eve of another dissolution of our Army. The remembrance of the difficulties which happened upon the occasion last year, and the consequences which might have followed the change if proper advantages had been taken by the enemy, added to a knowledge of the present temper and situation of the troops, afford but a very gloomy prospect in the appearance of things now and satisfy me beyond the possibility of a doubt that unless some speedy and effectual measures are adopted by Congress our cause will be lost.

It is in vain to expect that any or more than a trifling part of this Army will again engage in the service on the encouragement offered by Congress. When men find that their townsmen and companions are receiving $20, $30, and more for a few months' service, which is truly the case, it can not be expected, without using compulsion; and to force them into the service would answer no valuable purpose. When men are irritated and their passions inflamed they fly hastily and cheerfully to arms, but after the first emotions are over, to expect among such people as compose the bulk of

[a] Sparks's Writings of Washington, vol. 4, pp. 72, 73, 74.
[b] Sparks's Writings of Washington, vol. 4, p. 94.

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an army that they are influenced by any other principles than those of interest is to look for what never did and I fear never will happen; the Congress will deceive themselves, therefore, if they expect it.

To urge upon Congress the importance of a good corps of officers, with a pay corresponding to their merit and sacrifices, he continues:

A soldier reasoned with upon the goodness of the cause he is engaged in and the inestimable rights he is contending for, hears you with patience and acknowledges the truth of your observations, but adds that it is of no more importance to him than to others. The officer makes you the same reply, with the further remark, that his pay will not support him, and he can not ruin himself and family to serve his country, where every member of the community is equally interested and benefited by his labors. The few, therefore, who act upon principles of disinterestedness, comparatively speaking, are no more than a drop in the ocean.

It becomes evident to me then, that, as this contest is not likely to be the work of a day, as the war must be carried on systematically, and to do it you must have good officers, there are no other possible means to obtain them, but by establishing your army upon a permanent footing and giving your officers good pay. This will induce gentlemen and men of character to engage; and, till the bulk of your officers is composed of such persons as are actuated by principles of honor and a spirit of enterprise, you have little to expect from them. They ought to have such allowances as will enable them to live like and support the character of gentlemen, and not be driven by the scanty pittance to the low and dirty arts which many of them practice to filch from the public, more than the difference of pay would amount to upon an ample allowance. Besides, something is due to the man who puts his life in your hands, hazards his health, and forsakes the sweets of domestic enjoyments. Why a captain in the Continental service should receive no more than 5 s. currency per day for performing the same duties that an officer of the same rank in the British service receives 10 s. for, I never could conceive; especially when the latter is provided with every necessary he requires upon the best terms, and the former can scarce procure them at any rate. There is nothing that gives a man consequence and renders him fit for command like a support that renders him independent of everybody but the State he serves.[a]

Washington also calls attention to the vital importance of selecting officers for known character and intelligence, instead of commissioning them because of their ability to raise men. He urges that—

If such pay be allowed the officers as will induce gentlemen of character and liberal sentiments to engage, and proper care and precaution are used in the nomination, more regard being had to the character of persons than to the number of men they can enlist, we should in a little time have an army able to cope with any that can be opposed to it, as there are excellent materials to form one out of. But while the only merit an officer possesses is his ability to raise men, while those men consider and treat him as an equal and in the character of an officer regard him no more than a broomstick, being mixed together as one common herd, no order or discipline can prevail, nor will the officer ever meet with that respect which is essentially necessary to due subordination.

The little reliance that can be placed upon raw troops, their want of confidence in themselves, their bad health, due to a change of life and habits, their tendency to desert and provoke mutiny, their waste of stores and ammunition, and especially their enormous expense, are next fully described:

To place any dependence upon militia is assuredly resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves when opposed by troops regularly trained, disciplined, and appointed, superior in knowledge and superior in arms), are timid and ready to fly from their own shadows.

Besides, the sudden change in their manner of living, particularly in their lodging, brings on sickness in many, impatience in all, and such an unconquerable desire of returning to their respective homes that it not only produces shameful and scandalous desertions among themselves, but infuses the like spirit in others. Again, men

[a] Sparks's Writings of Washington, vol. 4, p. 112.

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accustomed to unbounded freedom and no control can not brook the restraint which is indispensably necessary to the good order and government of an army, without which licentiousness and every kind of disorder triumphantly reign. To bring men to a proper degree of subordination is not the work of a day, a month, or even a year, and unhappily for us and the cause we are engaged in, the little discipline I have been laboring to establish in the army under my immediate command is in a manner done away by having such a mixture of troops as have been called together within these few months.

Relaxed and unfit as our rules and regulations of war are for the government of an army, the militia (those properly so called, for of these we have two sorts, the six-months' men and those sent in as a temporary aid) do not think themselves subject to them, and therefore take liberties which the soldier is punished for. This creates jealousy, jealousy begets dissatisfaction, and this by degrees ripens into mutiny, keeping the whole army in a confused and disordered state, rendering the time of those who wish to see regularity and good order prevail more unhappy than words can describe. Besides this, such repeated changes take place that all arrangement is set at naught and the constant fluctuation of things deranges every plan as fast as it is adopted.

These, sir, Congress may be assured, are but a small part of the inconveniences which might be enumerated and attributed to militia, but there is one that merits particular attention, and that is the expense. Certain I am that it would be cheaper to keep 50,000 or 100,000 in constant pay than to depend upon half the number and supply the other half occasionally by militia. The time the latter are in pay before and after they are in camp, assembling and marching, the waste of ammunition, the consumption of stores, which, in spite of every resolution or requisition of Congress, they must be furnished with or sent home, added to other incidental expenses consequent upon their coming and conduct in camp, surpass all idea and destroy every kind of regularity and economy which you could establish among fixed and settled troops, and will, in my opinion, prove, if the scheme is adhered to, the ruin of our cause.[a]

JEALOUSY OF A STANDING ARMY.

During the Revolution, the intense feeling of opposition to a standing army almost wrought the ruin of our cause. Since then, this feeling has been diligently kept up and has formulated itself into the maxim that "A standing army is dangerous to liberty." Without considering the distinction between the hirelings of a despot and an army of citizens created by the representatives of a free people, it has been and still is the policy of our Government to maintain an inexpensive military establishment and upon the smallest possible basis. To such an extent has this been carried that our Regular Army has not been able to meet even the ordinary exigencies of times of peace.

The annals of the Revolution show conclusively that for the lack of a well-disciplined regular army, enlisted for the war, we were continually forced to call out double and treble the number of raw troops. So far as the Army is concerned, it is believed that a careful study of the history of this period will convince the candid inquirer that our liberties can be imperiled only by a policy which eschews well grounded principles of military organization and compels us in time of danger to call forth vast bodies of men, when smaller numbers should suffice.

Washington's letter, from which we have already so fully quoted, ends as follows:

The jealousy of a standing army, and the evils to be apprehended from one, are remote, and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin. For, if I was called upon to declare upon oath whether the militia had been most serviceable or hurtful, upon

[a] Sparks's Writings of Washington, vol. 4, p. 110.

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the whole I should subscribe to the latter. I do not mean by this, however, to arraign the conduct of Congress; in so doing I should equally condemn my own measures, if I did not my judgment, but experience, which is the best criterion to work by, so fully, clearly, and decisively reprobates the practice of trusting to militia, that no man who regards order, regularity, and economy, or who has any regard for his own honor, character, or peace of mind, will risk them upon this issue.[a]

REORGANIZATION OF THE ARMY.

Eight days before this letter was written, but not until nearly two months and a half after the Declaration of Independence, Congress resolved:

That 88 battalions be enlisted as soon as possible to serve during the present war, and that each State furnish their respective quotas in the following proportions, viz:

	Battalions.		Battalions.
New Hampshire	3	Maryland	8
Massachusetts	15	Virginia	15
Rhode Island	2	North Carolina	9
Connecticut	8	South Carolina	6
New York	4	Georgia	1
New Jersey	4		
Pennsylvania	12	Total	88
Delaware	1		

As an inducement to enlist, a bounty of $20 was offered to every noncommissioned officer and soldier who would engage for the war, and to such officers and soldiers who should serve until its end a bounty in land was promised on the following scale:

	Acres.
Colonel	500
Lieutenant-colonel	450
Major	400
Captain	300
Lieutenant	200
Ensign	150
Noncommissioned officers and privates	100

Congress, under this resolution, was to commission all officers, original appointments and appointments to fill vacancies being vested in the several States. In the Continental establishment of 1775 this method of selecting officers had given rise to much jealousy and discontent. It was now equally productive of mischief.

Knowing that success depended largely upon the character and qualifications of his officers, Washington, then at Harlem Heights, wrote to the President of Congress, under date of October 4:

Your Army, as I mentioned in my last, is on the eve of its political dissolution. True it is you have voted a large one in lieu of it, but the season is late and there is a material difference between voting battalions and raising men. In the latter there are more difficulties than Congress are aware of, which makes it my duty, as I have been informed of the prevailing sentiments of this Army, to inform them, that unless the pay of the officers, especially that of the field officers, is raised, the chief part of those that are worth retaining will leave the service at the expiration of the present term.

Nor will less pay, according to my judgment, than I have taken the liberty of mentioning in the inclosed estimate, retain such officers as we could wish to have continued. The difference per month in each battalion will amount to better than £100. To this may be added the pay of the staff officers, for it is presumable they will also require an augmentation; but being few in number, the sum will not be

[a] Sparks's Writings of Washington, vol. 4, p. 116.

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greatly increased by them, and consequently is a matter of no great moment. But it is a matter of no small importance to make the several offices desirable.

When the pay and establishment of an officer once become objects of interested attention, the sloth, negligence, and even disobedience of orders, which at this time too generally prevail, will be purged off. But while the service is viewed with indifference, while the officer conceives that he is conferring rather than receiving an obligation, there will be a total relaxation of all order and discipline, and everything will move heavily on, to the great detriment of the service, and inexpressible trouble and vexation of the general. The critical situation of our affairs at this time will justify my saying that no time is to be lost in making fruitless experiments.

At Cambridge, last year, where the officers, and more than a sufficiency of them, were all upon the spot, we found it a work of such extreme difficulty to know their sentiments, each having some terms to propose, that I once despaired of getting the arrangements completed, and I do suppose that at least a hundred alterations took place before matters were finally adjusted. What must it be then under the present regulations, where the officers are to negotiate this matter with the State they come from, distant perhaps 200 or 300 miles, some of whom, without leave or license from me, set out to make personal application the moment the resolve got to their hands? What kind of officers these are I leave Congress to judge. If an officer of reputation, for none other should be applied to, is asked to stay, what answer can he give but, in the first place, that he does not know whether it is at his option to do so, no provision being made in the resolution of Congress, even recommendatory of this measure; consequently, that it rests with the State he comes from, surrounded perhaps with a variety of applications and influenced probably by local attachments, to determine whether he can be provided for or not. In the next place, if he is an officer of merit, and knows that the State he comes from is to furnish more battalions than it at present has in the service, he will scarcely, after two years' faithful services, think of continuing in the rank he now bears when new creations are to be made and men, nowise superior in merit, and ignorant perhaps of service, appointed over his head. A committee sent to the Army from each State may upon the spot fix things with a degree of propriety and certainty, and it is the only method I can see of bringing matters to a decision with respect to the officers of the Army. But what can be done in the meanwhile toward the arrangement in the country I know not. In the one case you run the hazard of losing your officers, in the other of encountering delay, unless some method could be devised of forwarding both at the same instant.

Upon the present plan I plainly foresee an intervention of time between the old and new armies, which must be filled up with militia, if to be had, with whom no man who has any regard for his own reputation can undertake to be answerable for consequences. I shall also be mistaken in my conjectures if we do not lose the most valuable officers in this Army under the present mode of appointing them; consequently, if we have an army at all, it will be composed of materials not only entirely raw, but, if uncommon pains are not taken, entirely unfit; and I see such a distrust and jealousy of my military power that the Commander in Chief has not an opportunity, even by recommendation, to give the least assurances of reward for the most essential services. [a]

If, in the days of the Revolution, an officer's promotion could not be urged even by a Washington, it is worthy of remark that with certain State governors, during the late War of the Rebellion, the combined recommendations of division, corps, and army commanders were powerless to influence the advancement of officers of known skill and ability.

Congress anticipated the suggestion that committees be sent to the Army by the different States, and much of the dissatisfaction that existed among the officers was thus allayed. The views of the Commander in Chief as to the military policy of Congress received the cordial support of all of his higher officers. On the 28th of October General Greene, next to Washington the most distinguished commander of the Revolution, wrote to a friend as follows:

I apprehend the several retreats that have lately taken place begin to make you think all is lost. Don't be frightened; our cause is not yet in a desperate state. The

[a] Sparks's Writings of Washington, vol. 4, pp. 131–134.

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policy of Congress has been the most absurd and ridiculous imaginable, pouring in militiamen who come and go every month. A military force established upon such principles defeats itself. People coming from home with all the tender feelings of domestic life are not sufficiently fortified with natural courage to stand the shocking scenes of war. To march over dead men, to hear without concern the groans of the wounded—I say few men can stand such scenes unless steeled by habit or fortified by military pride.

There must be a good army established; men engaged for the war; a proper corps of officers; and then, after a proper time to discipline the men, everything is to be expected.

The Congress goes upon a penurious plan. The present pay of the officers will not support them, and it is generally determined by the best officers to quit the service unless a more adequate provision is made for their support. The present establishment is not thought reputable. The Congress has never furnished the men voted by near one-half, certainly by above a third. Had we had numbers we need not have retreated from Long Island or New York. But the extent of ground to guard rendered the retreat necessary; otherwise the army would have been ruined by detachments.

The enemy never could have driven us from Long Island and New York if our rear had been secured. We must have an army to meet the enemy everywhere; to act offensively as well as defensively. Our soldiers are as good as ever were, and were the officers half as good as the men they would beat any army on the globe of equal numbers.[a]

Anxious to promote the welfare and reputation of the troops of his native State, Greene wrote to Governor Cooke, on the 11th of October:

His Excellency General Washington will transmit you a list of officers to constitute the two new regiments to be raised by your State. The most of those officers are gentlemen whose conduct has been approved by those under whom they have served. The success of the cause, the defeat of the enemy, the honor of the State, and the reputation of the army altogether depend upon the establishing a good core, or corps, of officers. My little experience has fully convinced me that without more attention is paid by the different States in the appointment of the officers, the troops never will answer their expectations. * * * I am sensible that America has as good material to form an army as any State in the world, but without a good set of officers the troops will be little better than a lawless banditti, or an ungovernable mob.

The Americans possess as much natural bravery as any people upon earth, but habit must form the soldier.[b]

The remaining military events of the year can be quickly told. Upon the advance of the enemy, Washington, for want of good troops, retreated to White Plains, where on the 29th of October he offered battle. Declining this, the British fell back on New York and took Fort Washington on the 16th of November with 2,000 prisoners. They then transferred the scene of operations to New Jersey, forcing Washington with some 5,000 men to cross the Delaware into Pennsylvania, as he was powerless to make even a show of resistance while the militia and other troops of the flying camp were disbanding.

This retreat was followed on the 26th of December by the brilliant surprise of the Hessians at Trenton, where Washington, with a force of 2,400, took over 900 prisoners without losing a man. A week later the battle of Princeton ended the campaign, the British losing over 400 in killed, wounded, and prisoners. A large British detachment which went to the South under Clinton and Cornwallis got back in time to take part in the operations about New York, after being handsomely repulsed at Charleston in an attack on Fort Moultrie, on the 28th of June.

In Canada, at the beginning of May, the American troops in front of Quebec numbered but 1,900 men, of whom 900 were sick with the

[a] Greene's Life of General Greene, vol. 1, pp. 222, 223.
[b] Greene's Life of General Greene, vol. 1, p. 223.

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smallpox. Attacked by a superior force they began their retreat on the 6th of that month, evacuating Montreal in June, and arriving at Crown Point in July. Thence they fell back on Ticonderoga, being without supplies and provisions. Carleton followed as far as Crown Point, and on the 3d of November returned to Canada and went into winter quarters.

TROOPS EMPLOYED IN 1776.

The following table,[a] submitted to Congress by the Secretary of War in 1790, shows the number of troops furnished by the States during the year 1776:

States.	Number of men in Continental pay.	Number of militia.	Total militia and Continentals.
New Hampshire	3,019	.....	.....
Massachusetts	13,372	4,000	17,372
Rhode Island	798	1,102	1,900
Connecticut	6,390	5,737	12,127
Delaware	609	145	754
Maryland	687	2,592	3,229
Virginia	6,181	.....	6,181
North Carolina	1,134	.....	1,134
South Carolina	2,069	.....	2,069
Georgia	351	.....	351
New York	3,629	1,715	5,344
Pennsylvania	5,519	4,876	10,395
New Jersey	3,193	5,893	9,086
Total	46,901	26,060	72,961

[a] In the table as published—American State Papers, Vol. XII, p. 15—there is an error in addition in the total of the left-hand column and another in the aggregate of militia and Continentals for Maryland. These have been corrected here, assuming that the quotas of individual States are correctly given.

Conjectural estimate of militia employed in addition to the above.

New Hampshire (average at 4 months)	1,000
Massachusetts (average at 4 months)	3,000
Connecticut (average at 4 months)	1,000
New York (average at 4 months)	2,750
North Carolina (average at 4 months)	3,000
South Carolina (average at 4 months)	4,000
Georgia (average not given)	1,950
Total	16,700
Grand total	89,661

The table does not show that the 46,901 men were on the Continental establishment, but as the 26,060 militia were called out for six months, and the conjectural militia for periods varying from four to eight months, the average army maintained during the whole year may be reckoned at between 40,000 to 50,000 men. The highest estimate of the British numbers opposed to this large force does not exceed 34,000, yet the only offensive operations we were strong enough to undertake were in the vicinity of Boston, at Trenton, and at Princeton. The disparity between the resources employed and the results obtained is another proof of the wastefulness of a policy based on the employment of raw troops.

During this year several resolutions were passed showing that Congress was alive to the importance of enlisting men only "for the

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war," but upon representations that the uncertainty as to its duration was deterring enlistments, Congress so modified the resolution of September 16, as to permit men to enlist for "three years" or for "during the war," the former to have but $20 bounty, the latter to have $20 and 100 acres of land.

November 21, Congress authorized the States to enlist men for "three years," but expressed the opinion that the service would be benefited by enlistments "during the war."

BOUNTY.

The bounty system was a child of the Revolution, called into being when the colonies denied Congress the power of compelling enlistments. It grew steadily during the long struggle for independence, only to reach its full maturity in our late civil war.

During the year 1776 Washington frequently recommended the granting of bounties. In a letter of his to the President of Congress, dated September 24, the following passages occur:

> With respect to the men, nothing but a good bounty can obtain them upon a permanent establishment, and for no shorter time than the continuance of the war ought they to be engaged, as facts incontestably prove that the difficulty and cost of enlistment increase with time.
>
> When the Army was first raised at Cambridge, I am persuaded the men might have been got without a bounty for the war. After this they began to see that the contest was not likely to end so speedily as was imagined, and to feel their consequence by remarking, that, to get in their militia in the course of the last year, many towns were induced to give them a bounty. Foreseeing the evils resulting from this and the destructive consequences which unavoidably would follow short enlistments, I took the liberty in a long letter to recommend the enlistments for and during the war, assigning such reasons for it as experience has since convinced me were well founded. At that time $20 would, I am persuaded, have engaged the men for this term. But it will not do to look back; and if the present opportunity is slipped I am persuaded that twelve months more will increase our difficulties fourfold. I shall therefore take the freedom of giving it as my opinion that a good bounty should be immediately offered, aided by the proffer of at least a hundred or a hundred and fifty acres of land and a suit of clothes and blanket to each noncommissioned officer and soldier; as I have good authority for saying that, however high the men's pay may appear, it is barely sufficient, in the present scarcity and dearness of all kinds of goods, to keep them in clothes, much less afford support to their families.[a]

On the 19th of January Congress, in order to expedite the raising of troops for Canada, advised the colonies to give a bounty of six dollars and two-thirds to every man who would present himself "properly clothed for service, and having a good firelock with bayonet and other accouterments," and "four dollars to men without like arms and accouterments."

June 26, Congress resolved: "That a bounty of ten dollars be given to every noncommissioned officer and soldier who would enlist to serve for the term of three years."

To secure "equalization," which must inevitably follow when once the bounty system has been inaugurated, Congress resolved, July 16, to apply the resolution of June 26 "to all men in the Continental Army, and all others who will enlist for three years after expiration of the present term of enlistment."

Having increased the bounty two fold between January and June, Congress more than doubled it again by its resolution of September 16, creating the 88 battalions, which promised a bounty of $20 and 100

[a] Sparks's Writings of Washington, vol. 4, p. 112.

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acres of land to every noncommissioned officer and soldier who would agree to serve "during the war." September 18, another resolution of "equalization" followed, extending the bounty voted on the 16th to all "who are enlisted or shall enlist for during the war. The bounty of ten dollars which any soldiers have received from the Continent in account of former enlistments to be reckoned as part payment of the twenty dollars allowed by said resolution."

October 8, Congress bound itself to give annually to every noncommissioned officer and soldier who would enlist "during the war" a suit of clothes valued at $20, or the same sum in money on certificate from his captain that he had procured the suit for himself. To reimburse officers for expenses incurred in recruiting, they were allowed $1.33 for every man enlisted.

While Congress was thus bidding for men, the States began to bid in opposition, both for recruits for the Continental Army and for the militia. October 30, Congress asked Maryland to reconsider its resolution giving a $10 colonial bounty in lieu of 100 acres of land, assigning as a reason that other soldiers would demand the same bounty and require Congress to grant it.

The following letter from Washington to Governor Trumbull, of Connecticut, written on the 10th of November, explains the difficulties imposed upon the General Government by the bounty offered to the soldiers of the Connecticut quota:

> I was yesterday evening favored with a call by the gentlemen appointed commissioners from your State to arrange your officers and to adopt some line of conduct for recruiting the quota of men which you are to furnish. In discussing this subject the gentlemen informed me that your assembly, to induce their men to enlist more readily into the service, had passed a vote advancing their pay 20 shillings per month over and above that allowed by Congress. It is seldom that I interfere with the determinations of any public body or venture to hold forth my opinion contrary to the decisions which they form; but upon this occasion I must take the liberty to mention, especially as the influence of that vote will be general and continental, that, according to my ideas and those of every general officer I have consulted, a more mistaken policy could not have been adopted or one that in its consequences will more effecually prevent the great object which Congress have in view and which the situation of our affairs so loudly calls for, the levying a new army. That the advance allowed by your State may be the means of raising your quota of men sooner than it otherwise would perhaps may be true; but when it is considered that it will be an effectual bar to the other States in raising the quotas exacted from them when it is certain that if their quotas could be made up without this advance coming to their knowledge the moment they come to act with troops who receive a higher pay jealousy, impatience, and mutiny will immediately take place and occasion desertions, if not a total dissolution of the army, it must then be viewed as injurious and fatal. That troops will never act together, in the same cause and for different pay, must be obvious to everyone. Experience has already proved it in this army. That Congress will take up the subject and make the advance general, is a matter of which there can be but little probability, as the addition of a suit of clothes to the former pay of the privates was a long time debated before it could be obtained.[a]

Two days later, November 12, the bounty legislation of the year was closed by a resolution of Congress disapproving of the increased pay already promised by the colony of Massachusetts. Although Congress, for reasons beyond its control, was forced to continue the bounty system, the facts as given above show that all the evils which follow in its train were laid bare during the very first year of its existence.

[a] Sparks's Writings of Washington, vol. 4, p. 170.

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It may be laid down as an axiom, based upon historical proof, that any Government which foregoes its rights to compulsory military service, becomes more and more enslaved by depending solely upon voluntary military service induced by gifts of money, land, and clothing.

DICTATORIAL POWERS GRANTED TO WASHINGTON.

The campaign of 1776 demonstrated in a remarkable manner the dangers to which liberty was exposed by an unwise and feeble military policy. In his letter of September 24, Washington referred to the feeling that a standing army was a menace to liberty, yet for the lack of an adequate force of this character he found himself repeatedly compelled to exercise unwarrantable powers. Washington's embarrassing position is best portrayed by the following extract from his letter to the President of Congress, describing the measures adopted to secure the troops needed for the battles of Trenton and Princeton:

> Since their arrival we have been parading the regiments whose term of service is now expired, in order to know what force we should have to depend on, and how to regulate our views accordingly. After much persuasion, and the exertions of their officers, half or a greater proportion of those from the eastward have consented to stay six weeks on a bounty of $10. I feel the inconvenience of this advance, and I know the consequences which will result from it; but what could be done? Pennsylvania had allowed the same to her militia; the troops felt their importance and would have their price. Indeed, as their aid is so essential, and not to be dispensed with, it is to be wondered at that they had not estimated it at a higher rate. I perceive that Congress, apprehensive of this event, had made unlimited provision for it.[a]

The condition of his army is again fully set forth in another letter to the same person, dated December 20:

> It is needless to add that short enlistments, and a mistaken dependence upon militia, have been the origin of all our misfortunes and the great accumulation of our debt. We find, sir, that the enemy are daily gathering strength from the disaffected. This strength, like a snowball by rolling, will increase unless some means can be devised to check effectually the progress of the enemy's arms. Militia may possibly do it for a little while; but in a little while, also, and the militia of those States which have been frequently called upon will not turn out at all; or, if they do, it will be with so much reluctance and sloth as to amount to the same thing. Instance New Jersey! Witness Pennsylvania! Could anything but the river Delaware have saved Philadelphia? Can anything (the exigency of the case indeed may justify it) be more destructive to the recruiting service than giving $10 bounty for six weeks' service of the militia who come in, you can not tell how; go, you can not tell when, and act, you can not tell where, consume your provisions, exhaust your stores, and leave you at last at a critical moment?
>
> These, sir, are the men I am to depend upon ten days hence; this is the basis on which your cause will and must forever depend till you get a large standing army sufficient of itself to oppose the enemy. I therefore beg leave to give it as my humble opinion that eighty-eight battalions are by no means equal to the opposition you are to make, and that a moment's time is not to be lost in raising a greater number, not less, in my opinion and the opinion of my officers, than a hundred and ten. It may be urged that it will be found difficult enough to complete the first number. This may be true, and yet the officers of a hundred and ten battalions will recruit many more men than those of eighty-eight. In my judgment this is not a time to stand upon expense; our funds are not the only object of consideration.[b]

The almost total dissolution of the Army, the rapid advance of the British through New Jersey, and the apprehended fall of Philadelphia, the capital of the United Colonies, inspired Congress with such alarm that, on the 27th of December, it not only voted the increase recommended for the Army, but vested Washington with dictatorial

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[a] Sparks's Writings of Washington, vol. 4, pp. 254,255.
[b] Sparks's Writings of Washington, vol. 4, 234,235.

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powers. This resolution, so fraught with danger to the future liberties of the States, reads as follows:

> This Congress, having maturely considered the present crisis, and having perfect reliance on the wisdom, vigor, and uprightness of General Washington, do hereby
> *Resolve*, That General Washington shall be, and he is hereby, vested with full, ample, and complete powers to raise and collect together, in the most speedy and effectual manner, from any or all of these United States, sixteen battalions of infantry, in addition to those already voted by Congress; to appoint officers for the said battalions of infantry; to raise, officer, and equip three thousand light-horse, three regiments of artillery, and a corps of engineers, and to establish their pay; to apply to any of the States for such aid of the militia as he shall judge necessary; to form such magazines of provisions, and in such places, as he shall think proper; to displace and appoint all officers under the rank of brigadier-general, and to fill up all vacancies in every other department in the American Army; to take, wherever he may be, whatever he may want for the use of the Army, if the inhabitants will not sell it, allowing a reasonable price for the same; to arrest and confine persons who refuse to take the Continental currency, or are otherwise disaffected to the American cause; and to return to the States, of which they are citizens, their names, and the nature of their offences, together with the witnesses to prove them. That the foregoing powers be vested in General Washington, for and during the term of six months from the date hereof, unless sooner determined by Congress.

Could Congress have foreseen the consequences of creating and dissolving armies, it is more than probable that it would never have been constrained to resign its powers, even for a moment, into the hands of a military commander, however eminent for his patriotism and virtue.

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CHAPTER III.

CAMPAIGN OF 1777.

TROOPS REQUIRED AND FURNISHED.

After the victory at Princeton on the 3d of January, Washington's army went into winter quarters at Morristown. His command, on the 19th of January, consisted of "800 Eastern Continental troops, remaining of twelve or fourteen hundred" who "first agreed to stay," part engaged to the "last of this month," and part to the middle of "next;" five Virginia regiments reduced to a "handful of men,"[a] three other battalions in the same reduced state, and 700 Massachusetts militia whose terms of service were to expire in less than two months.

On the 14th of March, he reported to the President of Congress that from the most accurate estimate he could form, "the whole of our numbers in Jersey, fit for duty at this time, is under 3,000. These, 981 excepted, are militia and stand engaged only till the last of this month."

Thus at the very beginning of the year our lack of military wisdom had reduced Washington's regular soldiers to less than a thousand, while the enemy had more than 20,000 veterans in and about New York. It is needless to point out how much the fortunes of our cause at that junction were furthered by the inaction of the English commander.

By the 24th of May the arrival of reinforcements, raised under the act creating the 88 battalions, increased Washington's command to 45 regiments, which were organized into 10 brigades and 5 divisions—numbering in all about 7,500 men.

The military operations in New Jersey from March until the end of June, when the British evacuated the State, mainly consisted in a series of marches and countermarches, Washington not feeling able to give or receive battle.

From New York the British transferred their forces by sea to the head of Chesapeake Bay, fought and defeated Washington at the battle of the Brandywine on the 11th of September, and on the 25th entered Philadelphia.

It will be remembered that in the previous December the capital was only saved by the $10 bounty which Washington gave the Continental troops whose enlistments had expired, this largess having induced them to remain with the Army until after the battles of Trenton and Princeton.

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[a] Sparks's Writings of Washington, vol. 4, p. 283.

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In the present emergency Congress turned to raw troops. On the 28th of July it recommended to the executive council of Pennsylvania "to call out 4,000 militia in addition to those already called forth." August 24, but three weeks before the battle of the Brandywine, it "urgently recommended to the State of Maryland to immediately call out not less than 2,000 select militia to repel the invasion of the States of Pennsylvania, Maryland, and Delaware." To this end Congress also requested Pennsylvania to strengthen the Army with 4,000 and Delaware with 1,000 militia, while eight counties, near Chesapeake Bay in Virginia, were asked to contribute one-third of their strength.

Notwithstanding these urgent calls, when the critical moment arrived only one small brigade of militia was present with the Army, and this body, from its position on the left, took no part in the action.

On the 4th of October, the battle fought at Germantown, with indecisive results, ended active operations for the year so far as the troops under Washington were concerned.

A council of war, called by him on the 29th of October, estimated the entire British army in Philadelphia at 10,000 men, the American force consisting of 8,313 Continentals and 2,717 militia.

In the north the campaign was made memorable by the surrender of Burgoyne at Saratoga on the 17th of October with 5,791 men, all that remained of an invading army of nearly 10,000.

The number of troops, Continental and militia, which took part in the investment and capture of Burgoyne's army, was a little over 17,000, the total force present for duty being 13,200, of which 9,090 were Continentals and the rest militia.

Instead of the usual dispersion, could this force have been transferred to Pennsylvania might not an investment of Howe in Philadelphia have spared us five more weary years of war?

The value of a trained officer in command of raw troops was illustrated during this campaign by the victory of the militia at Bennington, under the command of the veteran, General Stark.

The remaining operations during 1777, mainly consisted in British descents on the New England coast and in the taking of Forts Clinton and Montgomery in the Highlands. These posts, however, were immediately abandoned by the enemy.

The following table,[a] compiled by the Secretary of War from the actual returns of the Army, shows the quotas required by Congress from the different States to fill up the 88 battalions voted in September, 1776, and the additional battalions created on the 27th of December, 1776, as well as the number of troops furnished by the different States during the year.

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[a] American State Papers, vol. XII, p. 15.

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States.	Quota required.		Troops furnished.		Total Continentals and militia.
	Number of battalions, 680 men each.	Number of men.	Number of Continentals.	Number of militia.	
Eighty-eight battalions raised by resolution of Sept. 16, 1776.					
New Hampshire	3	2,040	1,172	[a] 1,111	2,283
Massachusetts	15	10,200	7,816	[a] 2,775	10,591
Rhode Island	2	1,360	548	.....	548
Connecticut	8	5,440	4,563	.....	4,563
New York	4	2,720	1,903	[b] 929	2,832
New Jersey	4	2,720	1,408	.....	1,408
Pennsylvania	12	8,160	4,983	[c] 2,481	7,464
Delaware	1	680	299	.....	299
Maryland	8	5,440	2,030	[a] 1,585	3,565
Virginia	15	10,200	5,744	[c] 1,269	7,013
North Carolina	9	6,120	1,281	.....	1,281
South Carolina	6	4,080	1,650	.....	1,650
Georgia[d]	1	680	1,423	(e)	1,423
National troops raised by resolution of Dec. 27, 1776.					
Infantry	16	10,880	.....	.....	.....
Artillery	3	2,040	.....	.....	.....
Cavalry	.....	8,000	.....	.....	.....
Total	107	75,760	34,820	10,100	44,920

[a] Three months.
[b] Six months.
[c] Five months.
[d] By resolution of July 15, 1776, Georgia was authorized to raise, in Virginia, North Carolina, and South Carolina, two regiments of infantry and two companies of artillery, their terms of service ending in 1777.
[e] Part State troops.

The conjectural estimate of militia employed in addition to the above troops in 1777 was:

New Hampshire and Vermont, for two months	2,200
Massachusetts, for two months	2,000
Connecticut, for two months	2,000
New York, for six months	2,500
New Jersey, for two months	1,500
Pennsylvania, for three months	2,000
Delaware, for two months	1,000
Maryland, for two months	4,000
Virginia, for two months	4,000
South Carolina, for eight months	350
Georgia	750
Rhode Island, for six months	1,500
Total	23,800
Grand total, 1777	68,720

The table shows that the number of men raised for the Continental Army was less than one-half of the quota, while the total number of troops fell short of the number furnished in 1776 by 20,931.

This decline in military strength must be attributed to the system of enlistments rather than to any want of determination to carry on the war. To stimulate recruiting, Congress on the 14th of April recommended that each State legislature "enact laws exempting from actual service any two of the militia who should, within the time limited by such laws, furnish one able-bodied recruit to serve in any battalion of the Continental Army for three years or during the war; said exemption to continue during the term of enlistment, the recruit to have the Continental bounty and other allowances."

It is also recommended "that State legislatures enact laws compelling all such persons as are by laws exempted from bearing arms

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or performing military duties, other than such as are specified in the foregoing resolution, to furnish such number of able-bodied soldiers as said legislatures shall deem a proper equivalent for such exemption; such soldiers to be entitled to the Continental bounty and *other allowances over and above such gratuities as they may receive* from those who procure them to enlist."

While the Government was not yet prepared to recommend a draft, the above resolution was a step toward it, inasmuch as it proposed that certain individuals (not States) should be compelled to furnish a certain number of soldiers, the expense of additional bounty falling upon the individuals.

TERRITORIAL RECRUITMENT.

Another step in recruiting was taken on the 31st of July, when Congress recommended "the executive authorities of the United States to divide their respective States into districts and to appoint a proper person in each district to fill up the regiments; the recruiting officer to give bonds and to be allowed in full for all trouble and expense eight dollars for each able-bodied recruit who shall enlist for three years or during the war, and also to be allowed in full for all expense five dollars for the arrest of every deserter."[a]

It also recommended that the legislative authorities should designate in their respective States convenient places of rendezvous for recruits and deserters, such places being reported to Washington so that he could send officers to receive the men.

This division of States into districts and establishment of rendezvous or depots, had some analogy to the territorial distribution and recruitment of troops now adopted by every European nation.

BOUNTY.

The evil of bounties increased during the campaign of 1777. Early in the year delegates from the New England States, which met for consultation in regard to their joint interests at Providence, recommended that the States represented should add a bounty of thirty-three and one-third dollars to the Continental bounty of $20, already authorized for the 88 battalions created in 1776. Massachusetts and New Hampshire doubled this extra bounty making a total of eighty-six and two-thirds dollars for each recruit. Thus within a year the bounty had become more than twentyfold greater.

This increase at once put a stop to re-enlistments in the old regiments, as the men naturally went home to secure the State bounty, and would not take the smaller sum offered by Congress. Further than this, the large State bounties shook the allegiance of the soldier to his colors. Desertions became so numerous that Washington on the 6th of April issued a proclamation, in which he said:

> Whereas many soldiers, lately enlisted in the Continental Army, not content with the generous bounties and encouragements granted to them by Congress, but influenced by a base regard to their interests, have reenlisted with, and received bounties from, other officers and then deserted, * * * I have thought proper to issue this my proclamation offering a free pardon to all * * * who shall voluntarily surrender themselves to any officer of the Continental Army or join their respective corps before the 15th day of May next.

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[a] Journal of Congress, vol. II, p. 211.

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With the increase of bounties the impossibility of filling the army by voluntary enlistment became more and more apparent, and before the end of the year Massachusetts and Virginia set the example of drafting. Washington commended this measure to the President of Pennsylvania as the only sure method of raising Continental troops.

MILITARY ADVENTURERS.

During this year Washington was greatly annoyed and perplexed by the large number of foreigners who sought commissions in our service. On the 20th of February he addressed the President of Congress as follows:

I have often mentioned to you the distress I am every now and then laid under by the application of French officers for commissions in our service. This evil, if I may call it so, is a growing one, for, from what I learn, they are coming in swarms from old France and the islands. There will, therefore, be a necessity of providing for them or discountenancing them. To do the first is difficult, and the last disagreeable and perhaps impolitic if they are men of merit, and it is impossible to distinguish them from mere adventurers, of whom I am convinced there is the greater number. They seldom bring more than a commission and passport, which we know may belong to a bad as well as a good officer. Their ignorance of our language and their inability to recruit men are insurmountable obstacles to their being ingrafted into our Continental battalions, for our officers, who have raised their men and have served through the war upon pay that has hitherto not borne their expenses, would be disgusted if foreigners were put over their heads, and I assure you that few or none of these gentlemen look lower than field officers' commissions. To give them all brevets, by which they have rank and draw pay without doing any service, is saddling the continent with a vast expense, and to form them into corps would be only establishing corps of officers, for, as I said before, they can not possibly raise any men.

Some general mode of disposing of them must be adopted, for it is ungenerous to keep them in suspense and at great charge to themselves, but I am at a loss how to point out this mode. Suppose they were told in general that no man could obtain a commission except he could raise a number of men in proportion to his rank. This would effectually stop the mouths of common appliers and would leave us at liberty to make provision for gentlemen of undoubted military character and merit who would be very useful to us as soon as they acquired our language. If you approve of this or can think of any better method, be pleased to inform me as soon as you possibly can, for if I had a decisive answer to give them it would not only save me much trouble but much time which I am now obliged to bestow in hearing their different pretensions to merit and their expectations thereupon.[a]

May 17, he wrote a similar letter to Richard Henry Lee, but qualified in respect to artillery and engineer officers as follows:

* * * My ideas, in this representation, do not extend to artillery officers and engineers. The first of these will be useful if they do not break in upon the arrangement of that corps already established by order of Congress; the second are absolutely necessary and not to be had here.[b]

The objections urged by Washington did not apply to foreign officers as individuals, but to a class of military adventurers, who by a natural law flock in time of war to countries which, for want of military organization, find themselves in need of educated officers. This happened at the outbreak of the Revolution, and again in 1861. Although the services of Lafayette, De Kalb, Kosciusko, Pulaski, Steuben, Du Portail, and others, were of very great benefit during the former war, it is well known that Pulaski's appointment to command the cavalry gave rise to such murmurings among our officers that he was forced to give it up, though afterwards authorized to raise a special corps.

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[a] Sparks's Writings of Washington, vol. 4, p. 328.
[b] Sparks's Writings of Washington, vol. 4, pp. 423–425.

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DICTATORIAL POWERS AGAIN GRANTED TO WASHINGTON.

At the critical moment when the enemy was advancing upon Philadelphia, after the battle of the Brandywine, Congress was a second time compelled to intrust Washington with dictatorial powers. The resolution, passed on the 17th of September, just before its adjournment to Lancaster and York, reads as follows:

Resolved, That General Washington be authorized and directed to suspend all officers who misbehave, and to fill up all vacancies in the American Army, under the rank of brigadiers, until the pleasure of Congress shall be communicated; to take, wherever he may be, all such provisions and other articles as may be necessary for the comfortable subsistence of the Army under his command, paying or giving certificates for the same; to remove and secure, for the benefit of the owners, all goods and effects, which may be serviceable to the enemy: *Provided*, That the powers hereby vested shall be exercised only in such parts of these States as may be within the circumference of seventy miles of the headquarters of the American Army; and shall continue in force for the space of sixty days, unless sooner revoked by Congress.[a]

ARTICLES OF CONFEDERATION.

The war, which hitherto had been carried on under the authority assumed by the Second Continental Congress, was now to be prosecuted by a Confederacy of the States. The Articles of Confederation, which went into effect in July, 1778, and remained in force until the adoption of our present Constitution, necessitated certain changes of military policy, as will appear from the subjoined extracts:

ARTICLE 1. The style of this Confederacy shall be "The United States of America."

ARTICLE 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE 3. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

* * * * * * *

ARTICLE 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

* * * * * * *

In determining questions in the United States, in Congress assembled, each State shall have one vote. * * *

ARTICLE 6. * * * No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and have constantly ready for use, in public stores, a due number of fieldpieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant

[a] Sparks's Writings of Washington, vol. 5, p. 65.

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commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue or until the United States in Congress assembled shall determine otherwise.

ARTICLE 7. When land forces are raised by any State for the common defense all officers of or under the rank of colonel shall be appointed by the legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE 8. All charges of war and all other expenses that shall be incurred for the common defense or general welfare and allowed by the United States in Congress assembled shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all lands within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislature of the several States, within the time agreed upon by the United States, in Congress assembled.

ARTICLE 9. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article.

* * * * * * *

The United States, in Congress assembled, shall also have the sole and exclusive right and power of * * * appointing all officers of the land forces in the service of the United States, excepting regimental officers, appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States, making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated a "Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction, to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years, to ascertain the necessary sums of money to be raised for the service of the United States and to appropriate and apply the same for defraying the public expenses, to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted, to build and equip a navy, to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled. * * *

The United States, in Congress assembled, shall never engage in war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the Army or Navy, unless nine States assent to the same; nor shall a question on any other point except for adjourning from day to day be determined unless by the votes of a majority of the United States in Congress assembled.

* * * * * * *

ARTICLE 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with, provided that no power be delegated to the said committee for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

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ARTICLE 13. Every State shall abide by the decision of the United States, in Congress assembled, on all questions which by this confederation are submitted to them.

And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual, nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislature of every State.

It will be perceived that the power to carry on war was made to depend upon the harmonious cooperation of at least nine States, each one of which, with the assent of Congress, could maintain in time of peace its own army and navy.

Up to the time of the Confederation, Congress had raised its own armies and commissioned all the officers. Desirous of rewarding their skill and gallantry in 1776, it resolved "that Congress has and ought to retain the power heretofore exercised of appointing officers in the Continental service according to merit."

It is true that it accorded later the right of recommendation to the States, but under the new system no field or company officer could be commissioned, nor could a soldier be enlisted, save by the legislature of his State.

The power given to the legislatures "to raise the men, and clothe, arm, and equip them at the expense of the United States," placed the National Treasury at the mercy of every State agent.

More serious still, as Congress could not enlist a soldier, nor levy a tax, nor enforce a requisition for men or for money, any legislature could neutralize the power of a State, if not defeat the chief object of the Confederation.

Instead of resting the war power in a central government, which alone could insure its vigorous exercise, Congress was reduced to a mere consultative body or congress of diplomats, with authority to concert only such measures for common defense as might receive the sanction of nine of the allied sovereignties they represented.

If any State became lukewarm or conceived that its local interests were neglected, it could promptly recall its delegates.

Weak as had been our military policy under the government of the Continental Congress, it was to become still more imbecile through the inherent defects of the new system. To the indecision and delays of a single Congress were now superadded the indecisions and delays of at least nine more deliberative bodies.

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CHAPTER IV.

CAMPAIGN OF 1778.

TROOPS REQUIRED AND FURNISHED.

This campaign opened amid the sufferings of a half-clad, half-starved army at the camp of Valley Forge, whither Washington had retired with a force of from 8,000 to 10,000 Continentals.

As none of the battalions during the preceding year had been recruited to more than about one-third of their strength, Congress, on the 6th of February, recommended the several States to draft men for nine months, to be discharged before the end of that time in proportion as they could be replaced by those enlisting for three years of the war.

Notwithstanding this measure, the whole Continental force on the 8th of May only numbered some 15,000 men, the total strength of the British being put down by Washington at 16,000.[a]

When, on the 8th of May, these figures were laid before a council of war at Valley Forge, it unanimously decided that the best policy was to remain on the defensive and await future events.

It is probable that the decision was influenced by a knowledge of the French alliance, an event confidently regarded by all as equivalent to the establishment of American independence.

While our army lay at Valley Forge in sad need of clothing and supplies, the influence of a trained officer again made itself felt in spite of these adverse circumstances. Baron Steuben, a veteran of the wars of Frederick the Great, having been appointed Inspector-General of the Army, set on foot great improvements in tactics, regulations, and discipline.

Too weak to assume the offensive, our troops remained at Valley Forge till the 18th of June, when the English commander, hearing of the approach of a French fleet with reenforcements, evacuated Philadelphia and fell back on New York.

Washington rapidly followed in pursuit, and overtook and engaged the enemy near Monmouth Court House on the 28th of June, our casualties being some two hundred, while the British lost three hundred in battle and some two thousand Hessians who deserted during the retreat.

Active operations between the main armies ended with this engagement, the forces on both sides being transferred to the east of the

[a] This estimate was too low. We learn from the American State Papers that the total British force then in America was more than twice as great, and that on the 26th of March, 19,500 men were stationed in Philadelphia alone. After all the recruits had joined, it was hoped that the Continental force might reach 20,000.

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Hudson. The only other event of importance during the campaign was a combined attack of 4,000 French and 8,000 Continentals and militia on the British force at Newport, 8,000 strong. The enterprise miscarried in consequence of a storm which drove off the French fleet. In November, the French fleet sailed for the West Indies, and on the 29th of December the British captured Savannah. By the middle of January they were masters of the whole State of Georgia, and thenceforward the South became the principal theater of operations during the remainder of the war.

The following table[a] shows the costly army kept on foot during a campaign which at its close found the American forces everywhere reduced to the defensive, and an entire State in the hands of the enemy:

1778.

States.	Quotas required.		Troops furnished.		Total number of militia and Continental troops.
	Number of battalions, 522 men each.	Number of men.	Number of Continental troops.	Number of militia.	
New Hampshire	3	1,566	1,283	.....	1,283
Massachusetts	15	7,830	7,010	[a]1,927	8,937
Rhode Island	1	522	630	[b]2,426	3,056
Connecticut	8	4,176	4,010	.....	4,010
New York	5	2,610	2,194	.....	2,194
Pennsylvania	10	5,220	3,684	.....	3,684
New Jersey	4	2,088	1,586	.....	1,586
Delaware	1	522	349	.....	349
Maryland[c]	8	4,176	3,307	.....	3,307
Virginia	15	7,830	5,230	.....	5,230
North Carolina	9	4,698	1,287	.....	1,287
South Carolina	6	3,132	1,650	.....	1,650
Georgia	1	522	673	.....	673
Total	86	44,892	32,893	4,353	37,246

[a] Guarding convention troops.
[b] Rhode Island short levies and militia for six months.
[c] Maryland, including the German battalion.

Conjectural estimate of militia employed in addition to the above.[b]

New Hampshire, for two months	500
Massachusetts, for two months	4,500
New Jersey	1,000
Virginia:	
For two months	2,000
Guarding convention troops	600
South Carolina, for three months	2,000
Georgia, 2,000 militia for six months and 1,200 State troops	3,200
Total	13,800
Grand total	51,046

The above figures give, in the Continental establishment, 2,000 men less than in the year before; and in the militia a decrease of 15,000, due to the almost total inactivity of the enemy.

[a] From American State Papers, vol. 12, p. 16. Two corrections in totals have been made by editors, namely, 32,893 for 32,887, in third column, and 37,246 for 37,252 in fifth column. Three errors also occur in the items of fifth column as carried over from third column. These also have been corrected, assuming that the third column is correct.

[b] Exact returns of militia were never rendered. See Report of General Knox, Secretary of War, American State Papers, Military Affairs, vol. 1.

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BOUNTY.

The year, though barren in military operations, had its valuable budget of military experience. While the patriotism of a people, taken collectively, is quite equal to keeping up a prolonged struggle for liberty, cost what it may, we find that the patriotism of the individual utterly fails to induce him to undergo, voluntarily, the hardships and dangers of war. The first bounty offered by the States and by Congress was a confession of this truth, which each succeeding campaign only too painfully confirmed.

Congress now tried to conceal an evil which it could not check. On the 18th of September it resolved—

That General Washington be authorized, if he shall judge it for the interest of the United States, to augment the Continental bounty to recruits, enlisting for three years or during the war, to a sum not exceeding ten dollars; *and that he use his discretion in keeping the matter secret as long as he shall deem necessary.*

To carry this into effect Congress further resolved that $80,000 be transmitted to William Palfrey, of Massachusetts, Paymaster-General of the Army.

DRAFTING.

The system of voluntary enlistments, even when stimulated by large bounties, having failed to raise the men required, Congress, as we have seen, was forced to recommend the draft. Only solicitous to escape the consequences of this measure, States, townships, and individuals cared little for the character of the men they sent into the field.

On the 17th of March, Washington wrote to the President of the Massachusetts council:

It gives me inexpressible concern to have repeated information from the best authority that the committees of the different towns and districts in your State hire deserters from General Burgoyne's army and employ them as substitutes to excuse the personal service of the inhabitants. I need not enlarge upon the dangers of substituting, as soldiers, men who have given a glaring proof of a treacherous disposition, and who are bound to us by no motives of attachment, instead of citizens in whom the ties of country, kindred, and sometimes property are so many securities for their fidelity.

The evils with which this measure is pregnant are obvious, and of such serious nature as makes it necessary not only to stop the further progress of it, but likewise to apply a retrospective remedy, and if possible to annul it, so far as it has been carried into effect. Unless this is done, although you may be amused for the present with the flattering idea of speedily completing your battalions, they will be found, at or before the opening of the campaign, reduced by the defection of every British soldier to their original weak condition, and the accumulated bounties of the continent and of the State will have been fruitlessly sacrificed.

Indeed, General Burgoyne could hardly, if he were consulted, suggest a more effectual plan for plundering us of so much money, reenforcing General Howe with so many men, and preventing us from recruiting a certain number of regiments; to say nothing of the additional losses, which may be dreaded, in desertions among the native soldiers, from the contagion of ill example and the arts of seduction, which it is more than probable will be put in practice.[a]

The next day he wrote again:

The evil which I apprehended from the enlistment of deserters has already made its appearance. One of the colonels informs me that every British deserter sent to his regiment, except one, has already gone off. One of these people a few nights

[a] Sparks's Writings of Washington, vol. 5, pp. 287, 288.

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ago took off a light-horse with its accouterments from an advanced picket. I hope upon this proof of the infidelity of the above-described class that a total stop will be put to the hiring them. [a]

This enlistment of deserters to fill quotas went so far that Congress was at length compelled to denounce it by resolution. The desire to get men in order to avoid the draft suggested another expedient—the enlistment of slaves—since resorted to on both sides during the war of the rebellion—

Free negroes had been permitted to enlist from the beginning of the Revolution, but in 1778 it was proposed in Rhode Island to raise a battalion of slaves.

The governor of that State, in writing to Washington, explains the action of the assembly in this matter:

Liberty is given to every effective slave to enter into the service during the war, and upon his passing muster he is absolutely made free and entitled to all the wages, bounties, and encouragements given by Congress to any soldier enlisting into the service. The masters are allowed at the rate of one hundred and twenty pounds for the most valuable slave, and in proportion for those of less value. The number of slaves in the State is not great, but it is generally thought that three hundred and upward will be enlisted. [b]

VOLUNTEERS.

In a letter to his brother Augustine, Washington gives his views in regard to raising a body of volunteers in Virginia:

I observe what you say respecting voluntary enlistment, or rather your scheme for raising 2,000 volunteers; and I candidly own to you that I have no opinion of it. These measures only tend to burthen the public with a number of officers without adding one jot to our strength, but greatly to confusion and disorder. If the several States would but fall on some vigorous measures to fill up their respective regiments, nothing more need be asked of them. But while these are neglected, or, in other words, ineffectually and feebly attended to, and these succedaneums (sic) tried, we can never have an army to be depended upon. [c]

OFFICERS.

Another difficulty arose in 1778, almost as grave as the non-enlistment of recruits. Paper money, steadily issued from the beginning of the war, had now become so depreciated that officers could not possibly support themselves and their families on their pay.

The general state of the country toward the close of the year is thus given by Washington in a letter to Benjamin Harrison.

If I were to be called upon to draw a picture of the times and of men, from what I have seen, heard, and in part know, I should in one word say that idleness, dissipation, and extravagance seem to have laid fast hold of most of them; that speculation, peculation, and an insatiable thirst for riches seem to have got the better of every other consideration, and almost every order of men; that party disputes and personal quarrels are the great business of the day; whilst the momentous concerns of an empire, a great and accumulating debt, ruined finances, depreciated money, and want of credit, whilst in its consequences is the want of everything, are but secondary considerations, and postponed from day to day, from week to week, as if our affairs wore the most promising aspect.

Our money is now sinking 50 per cent a day in this city (Philadelphia), and I shall not be surprised if, in the course of a few months, a total stop is put to the currency of it; and yet an assembly, a concert, a dinner, or supper that will cost

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[a] Sparks's Writings of Washington, vol. 5, p. 288, note.
[b] Sparks's Writings of Washington, vol. 5, p. 245, note.
[c] Sparks's Writings of Washington, vol. 5, pp. 432, 433.

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three or four hundred pounds will not only take men off from acting in this business, but even from thinking of it, while a great part of the officers of our army from absolute necessity are quitting the service, and the more virtuous few, rather than do this, are sinking by sure degrees into beggary and want.[a]

Early in the year, in view of the great importance of inducing his best officers to remain, Washington repeatedly impressed upon Congress that those who should serve to the end of the war ought to receive half pay for life.

April 21, he again wrote to John Banister, a member of that body:

The spirit of resigning commissions has been long at an alarming height, and increases daily. The Virginia line has sustained a violent shock in this instance. Not less than ninety have already resigned to me. The same conduct has prevailed among the officers from the other States, though not yet to so considerable a degree; and there are but two just grounds to fear, that it will shake the very existence of the army, unless a remedy is soon, very soon, applied.

There is none, in my opinion, so effectual as the one pointed out. This, I trust, will satisfy the officers, and at the same time it will produce no present additional emission of money. They will not be persuaded to sacrifice all views of present interest and encounter the numerous vicissitudes of war in the defense of their country, unless she will be generous enough on her part to make a decent provision for their future support.

I do not pronounce absolutely that we shall have no army if the establishment fails, but the army which we may have will be without discipline, without energy, incapable of acting with vigor, and destitute of those cements necessary to promise success on the one hand or to withstand the shocks of adversity on the other. It is indeed hard to say how extensive the evil may be if the measure should be rejected or much longer delayed. I find it a very arduous task to keep the officers in tolerable humor and to protract such a combination for quitting the service as might possibly undo us forever.

The difference between our service and that of the enemy is very striking. With us, from the peculiar, unhappy situation of things, the officer, a few instances excepted, must break in upon his private fortune for present support, without a prospect of future relief.[b]

Speaking of his own motives, Washington wrote to the President of Congress:

Personally as an officer, I have no interest in their decision, because I have declared, and I now repeat it, that I never will receive the smallest benefit from the half-pay establishment; but, as a man who fights under the weight of a proscription and as a citizen who wishes to see the liberty of the country established upon a permanent foundation, and whose property depends upon the success of our arms, I am deeply interested. But all this apart and justice out of the question, upon the single ground of economy and public saving, I will maintain the utility of it; for I have not the least doubt that, until officers consider their commissions in an honorable and interested point of view, and are afraid to endanger them by negligence and inattention, no order, regularity, or care, either of the men or public property, will prevail. To prove this, I need only refer to the general courts-martial which are constantly sitting for the trial of them, and the number who have been cashiered within the last three months for misconduct of different kinds. At no period since the commencement of the war have I felt more painful sensations on account of delay than at the present; and, urged by them, I have expressed myself without reserve.[c]

After more letters and much discussion Congress resolved, May 15, that officers serving until the end of the war should thereafter receive half pay for seven years; provided that no general should receive more than the half pay of a colonel. To noncommissioned officers and soldiers a gratuity was to be given of $80.

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[a] Sparks's Writings of Washington, vol. 6, pp. 151, 152.
[b] Sparks's Writings of Washington, vol. 5, pp. 321, 322.
[c] Sparks's Writings of Washington, vol. 5, p. 313.

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JEALOUSY OF A STANDING ARMY.

Although the want of an adequate standing army had twice forced Congress to clothe Washington with dictatorial power, the military legislation of 1778 was much hampered by the fear and jealousy of such an establishment.

Writing to Mr. Banister in relation to several matters, Washington states:

> The other point is the jealousy which Congress unhappily entertains of the Army, and which, if reports are right, some members labor to establish. You may be assured there is nothing more injurious or more unfounded. This jealousy stands upon the commonly received opinion, which under proper limitations is certainly true, that standing armies are dangerous to a state. The prejudices in other countries have only gone to them in time of peace, and these from their not having, in general cases, any of the ties, the concerns, or interests of citizens, or any other dependence than what flowed from their military employ; in short, from their being mercenaries, hirelings. It is our policy to be prejudiced against them in time of war, though they are citizens, having all the ties and interests of citizens, and, in most cases, properly totally unconnected with the military line.[a]

[a] Sparks's Writings of Washington, vol. 5, p. 328.

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CHAPTER V.

CAMPAIGN OF 1779.

TROOPS REQUIRED AND FURNISHED.

The beginning of the year found the Army stretched out in winter quarters from Newport to the Delaware, and too feeble in numbers to take the offensive.

During the campaign, our movements in the North were limited to an almost passive defense, while the British contented themselves with sending two marauding expeditions of about 2,500 men each to Connecticut and Virginia. These expeditions, though unopposed, were offset in July by the surprise and capture of Stony Point and Paulus Hook.

In the South the only event of importance was the failure, in October, of a combined attack with the French upon Savannah. Leaving a strong garrison in New York, Clinton sailed for Savannah in December with some 9,000 troops. To counteract his designs the Virginia and North Carolina troops of the Continental Army were ordered to the South, while the rest of the Army went into winter quarters, mostly in New Jersey.

The Continental establishment as constituted by the law of March 29, 1779, consisted of 80 battalions, distributed as follows:

New Hampshire	3	Delaware	1
Massachusetts	15	Maryland	8
Rhode Island	2	Virginia	11
Connecticut	8	North Carolina	6
New York	5	South Carolina	6
New Jersey	3	Georgia	1
Pennsylvania	11		

Writing from West Point, on the 18th of November, to the President of Congress, Washington states the condition of his army at the time when the British troops, nearly double his own in effective strength, were concentrated in New York before their expedition southward.

The return I have the honor to enclose is an abstract taken from the muster-rolls of the troops of each State in October (South Carolina and Georgia excepted), and contains a complete view, not only of the whole strength of the forces of each and of the independent corps at that time, but of the different periods for which they stood engaged. I conceived a return of this sort might be material, and accordingly directed it to be made, the better to enable Congress to govern their views and requisitions as to the several States. They will perceive by this that our whole force, including all sorts of troops, noncommissioned officers, privates, drummers, and fifers, supposing every man to have existed and to have been in service at that time—a point, however, totally inadmissible—amounted to twenty-seven thousand and ninety-nine; that of this number, comprehending four hundred and ten invalids, fourteen thousand nine hundred and ninety-eight are stated as engaged for the war; that the remainder, by the expiration of enlistments, will be decreased by 31st of December, two thousand and fifty-one; by the last of March, six thousand four hun-

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dred and twenty-six; by the last of April (including the lines), eight thousand one hundred and eighty-one; by the last of June, ten thousand one hundred and fifty-eight; by the last of September, ten thousand seven hundred and nine; and by different periods, I believe shortly after, twelve thousand one hundred and fifty-seven.[a]

The following table[b] gives the quotas assigned to the different States in 1779, and the total number of troops furnished:

1779.

States.	Quotas required.		Troops furnished.		Total number of militia and Continentals.
	Number of battalions, 522 men each.	Number of men.	Number of Continental troops.	Number of militia.	
New Hampshire	3	1,566	1,004	222	1,226
Massachusetts	15	7,830	6,287	1,451	7,738
Rhode Island	2	1,040	507	756	1,263
Connecticut	8	4,176	3,544	.....	3,544
New York	5	2,610	2,256	.....	2,256
New Jersey	3	1,566	1,276	.....	1,276
Pennsylvania	11	5,742	3,476	.....	3,476
Delaware	1	522	317	.....	317
Maryland	8	4,176	2,849	.....	2,849
Virginia	11	5,742	3,973	.....	3,973
North Carolina[a]	6	3,132	1,214	2,706	3,920
Georgia	1	522	87	.....	87
Total	74	38,624	26,790	5,135	31,925

[a] North Carolina troops for eight months.

Conjectural estimate of militia employed in addition to the above.[c]

New York, for three months	1,500
Virginia:	
For two months	3,000
For six months	1,000
Guarding convention troops	600
North Carolina, for eight months	1,000
South Carolina, for nine months	4,500
Georgia	750
Total	12,350
Grand total	44,275

We see from the table that only two-thirds of the quotas required for the Continental Army were supplied, and that, compared with the previous year, there was a decrease in military strength of 10,000 men.

BOUNTY.

As the war went on the increasing difficulty of procuring recruits necessitated the payment of larger bounties. In addition to the bounty of clothing, of land, and of money already voted, Congress, on the 23d of January, authorized Washington to grant a bounty not exceeding $200 to each able-bodied veteran or new recruit who would reenlist or enlist for the war.

With a view to transferring the recruiting to the several States, Congress, March 9, repeated the resolution of January 23, and recommended the States to fill their quotas by draft, and further resolved:

[a] Sparks's Writings of Washington, vol. 6, p. 401.
[b] American State Papers, vol. 12, p. 17.
[c] Exact returns of the militia were at this period not rendered. See report of General Knox, Secretary of War, American State Papers, Military Affairs, Vol. I.

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That a bounty of two hundred dollars out of the Continental Treasury shall be granted to each recruit who after January 23d hath enlisted or shall enlist during the war, or in case the State shall have granted as great or greater bounty the said two hundred dollars for each such recruit shall be passed to the credit of the State for whose quota he shall be raised.

March 29, Congress recommended Virginia and North Carolina to raise as many battalions of regular troops for the particular defense of the Southern States as their circumstances would admit, the troops to be engaged only for one year and not to be compelled to serve in any enterprise or in any State north of Virginia. To these *one year* troops, a bounty was given not to exceed two hundred dollars.

Large for the time as were the bounties granted by Congress, those offered by the States were still greater. The legislature of New Jersey, to fill the quota for its three battalions, offered two hundred and fifty dollars to each recruit, in addition to the clothing, land, and two hundred dollars allowed by Congress, while the legislature of Virginia, on the 3d of May, offered to every recruit for the war *seven hundred and fifty dollars*, a suit of clothes once a year, and one hundred acres of land. From this amount the bounty and clothing given by Congress were reserved by the State.

The sum tendered by Virginia, when compared with the $4 offered by Congress in January, 1776, "for further encouraging the men more cheerfully to enlist in the service of their country," shows that in three years the price of bounties increased more than two hundredfold.

The effect of these large bounties on the men already enlisted for the war, is thus described in Washington's letter of June 9 to the board of war:

The enormous bounties given by the States, towns, and by individuals to men for very short temporary services are the source of the present discontents and of a thousand evils among the soldiers, and as long as they continue to be given so long will they excite dissatisfaction. They induce the soldier, who has undergone a long service, and who engaged for the war in the first instance on a very moderate bounty, to reason upon his situation, and to draw a comparison between what he receives and the great emoluments others get, and put him upon inventing means from which he will be able to derive the same advantage. And from this comparison and these considerations it is, I am convinced, that most of our desertions proceed, especially where the men do not go to the enemy. In consideration of the services of the soldiers who engaged at an early period to serve during the war, and the great disproportion between the bounties they received and those given to others for the service of a few months or perhaps not more than a year at most, I have sometimes thought it might not be improper to give them, by way of gratuity and as an acknowledgment, $100, which, besides operating as a reward, might have a good effect and quiet their discontent.[a]

In response to this letter it was resolved June 22—

That Congress entertain a grateful sense of the virtue and services of those faithful and zealous soldiers who at an early period engaged in the armies of the States during the war, and to encourage a continuance of their exertions, and as far as circumstances admit, to place them on a footing in pecuniary matters with other soldiers, General Washington be empowered to order a gratuity of one hundred dollars each, to be paid to the men so enlisting during war.

Call it by what name we may, it is plain that the bounty equalization authorized by the resolution was extorted from Congress by the dissatisfaction of the soldiery, and this is but one of many instances in which a reliance upon voluntary enlistments and bounties in preference to obligatory military service has proved a menace to freedom.

[a] Sparks's Writings of Washington, vol. 6, p. 198.

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It should be carefully noted that this equalization bounty was voted as a largess to allay the discontent of men actually with the colors, if not to prevent the dissolution of the army itself, whereas the millions appropriated to bounty equalization since the War of the Rebellion were voted away after the army was disbanded and the men returned to their homes.

Despairing of filling the quotas by enlistments for the war, Washington, on November 18, wrote to the President of Congress:

> The plan I would propose is that each State be informed by Congress annually of the *real deficiency* of its troops, and called upon to make it up, or such less specific number as Congress may think proper, by a draft; that men drafted join the Army by the 1st of January, and serve till the 1st of January in the succeeding year; that from the time the drafts join the Army, the officers of the States from which they come, be authorized and directed to use their endeavors to enlist them for the war under the bounties to the officers themselves and the recruits granted by the act of the 23d of January last, namely, $10 to the officers for each recruit and two hundred to the recruits themselves; that all State, county, and town bounties to drafts, if practicable, be entirely abolished, on account of the uneasiness and disorders they create among the soldiers, the desertions they produce; and for other reasons which will readily occur; that on or before the 1st of October annually, an abstract or return similar to the present one be transmitted to Congress, to enable them to make their requisitions to each State with certainty and precision.
>
> The advantage of a well-digested, general, and uniform system for levying and bringing them to the Army at a particular time to serve to a fixed period is obvious. We may then form our plans of operation with some degree of certainty, and determine with more propriety and exactness on what we may or may not be able to do; and the periods for joining and serving, which I have taken the liberty to mention, appear to me the most proper for a variety of considerations. It being in January when it is proposed that the recruits shall join, and when the enemy can not operate, they will get seasoned and accustomed in some measure to a camp life before the campaign opens, and will have four or five months to acquire discipline and some knowledge of maneuvers without interruption; and their service being extended to the same time in the succeeding year, the public will have all the benefits that can be derived from their aid for a whole campaign. * * *
>
> The levies that have been raised have come to the Army so irregularly, in such a scattered, divided way, and at such late periods generally, that the aid they were intended to give has never been received, or at least but to a very limited and partial extent; and the time for which they were engaged has been spent in gaining a seasoning to the camp and discipline, and a greater part of it in winter quarters when they ought to have been in the field; or they must have been sent there raw and untutored, a circumstance which may lead in some critical moment before an enemy to most fatal consequences.[a]

At the beginning of the year the ill effect of short enlistments became very marked, even in the Continental establishment. This caused Washington to express the opinion that to operate against New York our troops should be double in number to those of the enemy, and that "this would be far from giving a certainty of success."

OFFICERS.

The rapid depreciation of the currency continued to increase the distress of the officers. During the previous year Congress had voted them half pay for seven years after the close of the war, but as this did not relieve their present wants, Washington wrote to the committee of Congress on the 20th of January—

> That the officers of the Army are in a very disagreeable situation; that the most unhappy consequences are to be apprehended if they are not speedily placed in a better, and that some provision more adequate than has yet been made is necessary,

[a] Sparks's Writings of Washington, vol. 6, pp. 404–406.

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are truths so obvious and so generally acknowledged that it would almost seem superfluous to say anything to enforce them. But it is a point in which, in my opinion, the public safety is so essentially concerned that I can not let slip any opportunity of urging its importance and pressing it upon the public attention.

The patience of the officers has been a long time nourished by the hope that some adequate provision was in contemplation. Though nothing satisfactory has hitherto been done, their hopes have been still kept alive; but this can not be much longer the case, and when they come once to fix an opinion that they have nothing to expect, they will no longer combat the necessity that drives them from the service. It is worthy of observation, that the state of inactivity to which we may probably be compelled the next campaign will give leisure for cherishing their discontents and dwelling upon all the hardships of their situation. When men are employed, and have the incitements of military honor to engage their ambition and pride, they will cheerfully submit to inconveniences which in a state of tranquillity would appear insupportable. Indeed, not to multiply arguments upon a subject so evident, it is a fact not to be controverted, that the officers can not support themselves with their present pay; that necessity will oblige them to leave the service unless better provided for, and that, remaining in it, those who have no fortunes will want the common necessaries of life, and those who have fortunes must ruin them.[a]

Referring to half-pay for life, which he had before recommended, he continues:

The difference indeed in point of expense between the present form of the half-pay establishment and one for life would be inconsiderable. Seven years will probably be the period of the lives of the greatest part of the incumbents, and few of the survivors will much exceed it. But the difference in the provision in the estimation of the officer's own mind is very great. In one case he has provision for life, whether it be long or short; in the other, for a limited period, which he can look beyond, and naturally flatters himself he shall outlive.[b]

Although these suggestions were not wholly adopted, Congress on the 17th of August recommended that the States grant half-pay for life to officers serving during the war, and proper rewards to soldiers as well. It also recommended the States to give pensions to the widows of officers and soldiers killed in the service.

We see, then, that the Government found it necessary, to give bounty in the shape of half-pay.

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[a] Sparks's Writings of Washington, vol. 6, pp. 167–169.
[b] Sparks's Writings of Washington, vol. 6, p. 170.

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CHAPTER VI.

CAMPAIGN OF 1780.

TROOPS REQUIRED AND FURNISHED.

The experience of the years 1775 and 1776 was repeated in this campaign. In May the transfer of the British troops to the South, was followed by the siege of Charleston and surrender of Lincoln with more than 5,000 men. Later, on the 15th of August, some 4,000 Continentals and militia under General Gates were totally defeated at Camden, losing nearly 1,800 in killed, wounded, and prisoners.

The rout and capture of Ferguson's detachment at King's Mountain and the exploits of Marion and Sumter did not begin to offset these reverses, which gave the enemy possession of nearly the whole of North Carolina, South Carolina, and Georgia.

The difference in the behavior of raw and of disciplined troops in the open field, and the disasters so apt to happen when dependence is placed upon hastily improvised levies, were strikingly illustrated at the battle of Camden. As this engagement has been described by each of the famous cavalry leaders, Henry Lee and Tarleton, their respective accounts deserve to be quoted here. It will be remembered that the two armies met unexpectedly in a forest at night, each commander seeking his adversary to force him to battle.

Lee's statement is as follows:

> The two armies halted, each throbbing with the emotions which the van *rencontre* had excited. The British army deployed in one line, which completely occupied the ground, each flank resting on impervious swamps. The infantry of the reserve took part in a second line, one-half opposite the center of each wing, and the cavalry held the road, where the left of the right wing united with the volunteers of Ireland, which corps formed the right of the left wing. Lieutenant-Colonel Webster commanded on the right and Col. Lord Rawdon on the left. With the front line were two 6 and two 3 pounders, under Lieutenant M'Leod of the artillery; with the reserve were two 6-pounders. Thus arranged, confiding in discipline and experience, the British general waited anxiously for light.
>
> The Maryland leading regiment was soon recovered from the confusion produced by the panic of Armand's cavalry. Battle, although unexpected, was now inevitable, and General Gates arrayed his army with promptitude. The Second Brigade of Maryland, with the regiment of Delaware, under General Gist, took the right; the brigade of North Carolina the center, and that of Virginia, under Brigadier Stevens, the left. The First Brigade of Maryland was formed in reserve under the command of General Smallwood. To each brigade a due proportion of artillery was allotted. but we had no cavalry, as those who fled in the night were still flying. Maj. Gen. Baron de Kalb, charged with the line of battle, took post on the right, while the general in chief, superintending the whole, placed himself on the road between the line and the reserve.

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The light of day dawned—the signal for battle. Instantly our center opened its artillery, and the left of our line, under Stevens, was ordered to advance. The veterans of the enemy, composing its right, were of course opposed to the Virginia militia, whereas they ought to have been faced by the Continental Brigade. Stevens, however, exhorting his soldiers to rely on the bayonet, advanced with his accustomed intrepidity. Lieut. Col. Otho Williams, adjutant-general, preceded him with a band of volunteers, in order to unite the fire of the enemy before they were in reach of the militia, that experience of its efficiency might encourage the latter to do their duty.

The British general, closely watching our motives, discovered this movement on the left, and gave orders to Webster to lead into battle with the right. The command was executed with the characteristic courage and intelligence of that officer. Our left was instantly overpowered by the assault; and the brave Stevens had to endure the mortifying spectacle exhibited by his flying brigade. Without exchanging more than one fire with the enemy, they threw away their arms and sought that safety in flight which generally can be obtained only by courageous resistance. The North Carolina brigade, imitating that on the right, followed the shameful example. Stevens, Caswell, and Gates himself struggled to stop the fugitives and rally them for battle; but every noble feeling of the heart was sunk in base solicitude to preserve life; and having no cavalry to assist their exertions, the attempted reclamation failed entirely. The Continental troops with Dixon's regiment of North Carolinians, were left to oppose the enemy, every corps of whose army was acting with the most determined resolution. De Kalb and Gist yet held the battle on our right in suspense. Lieutenant-Colonel Howard, at the head of Williams's regiment, drove the corps in front of our line. Rawdon could not bring the brigade of Gist to recede—bold was the pressure of the foe; firm as a rock the resistance of Gist. Now the Marylanders were gaining ground; but the deplorable desertion of the militia having left Webster unemployed, that discerning soldier detached some light troops with Tarleton's cavalry in pursuit, and opposed himself to the reserve brought up by Smallwood to replace the fugitives.

Here the battle was renewed with fierceness and obstinacy. The Marylanders with Dixon's regiment, although greatly outnumbered, firmly maintained the desperate conflict; and De Kalb, now finding his once exposed flank completely shielded, resorted to the bayonet. Dreadful was the charge. In one point of the line the enemy were driven before us with the loss of many prisoners. But while Smallwood covered the flank of the Second Brigade, his left became exposed; and Webster, never omitting to seize every advantage, turned the light infantry and Twenty-third Regiment on his open flank. Smallwood, however, sustained himself with undiminished vigor; but borne down at last by superiority of force, the First Brigade receded. Soon it returned to the line of battle; again it gave ground, and again rallied. Meanwhile De Kalb, with our right, preserved a conspicuous superiority. Lord Cornwallis, sensible of the advantages gained, and aware of the difficulty to which we were subjected by the shameful flight of our left, concentrated his force and made a decisive charge. Our brave troops were broken; and his Lordship, following up the blow, compelled the intrepid Marylanders to abandon the unequal contest. * * * The road was heaped with the dead and wounded. Arms, artillery, horses, and baggage were strewed in every direction and the whole adjacent country presented evidences of the signal defeat.

Our loss was very heavy. More than a third of the Continental troops were killed and wounded; and of the wounded 170 were made prisoners. The regiment of Delaware was nearly annihilated. * * * The North Carolina militia also suffered greatly; more than 300 were taken and nearly 106 killed and wounded. Contrary to the usual course of events and the general wish, the Virginia militia who set the infamous example which produced the destruction of our army escaped entirely.

De Kalb, sustaining by his splendid example the courageous efforts of our inferior force, in his last resolute attempt to seize victory, received eleven wounds, and was made prisoner. * * * The heroic veteran, though treated with every attention, survived but a few days. * * * The British loss is said to have amounted to 80 killed and 245 wounded.[a]

The account of Tarleton is equally graphic:

Before daybreak General Gates had made the following disposition of the American army, consisting of 2,000 Continentals and 4,000 State troops and militia. Three regiments of the Maryland line, under Brigadier-General Gist, formed the right wing. The North Carolina and Virginia Militia, commanded by Generals Caswell and Stev-

[a] Lee's Memoirs, vol. 1, pp. 178, 179, 180, 182, 183.

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ens, composed the left wing and center. Colonel Porterfield's and Major Armstrong's light infantry were placed in the rear of the Virginia brigade of militia; Colonel Armand was ordered to support the left with his cavalry. The first Maryland brigade and the Delaware regiment, under Brigadier-General Smallwood, formed the second line and reserve. The principal part of the American artillery was posted to the left of their right wing of Continentals. The remainder was placed in the road, under the protection of their reserve.

When the day broke, General Gates, not approving of the situation of Caswell's and Steven's brigades, was proceeding to alter their position. The circumstance, being observed by the British, was reported to Earl Cornwallis, who instantly, in person, commanded Webster's division to advance, and dispatched the same order by an aid-de-camp to Lord Rawdon on the left. The action became immediately general along the front, and was contested on the left and in the center with great firmness and bravery. General Gist preserved perfect order in his brigade, and, with his small arms and artillery, continued a heavy and well-directed fire upon the Thirty-third Regiment and the whole of the left division. The morning being hazy, the smoke hung over, and involved both armies in such a cloud that it was difficult to see or estimate the destruction on either side.

Notwithstanding the resistance, it was evident the British moved forward. The light infantry and the Twenty-third Regiment being opposed only by militia, who were somewhat deranged by General Gates's intended alteration, first broke the enemy's front line, which advantage they judiciously followed, not by pursuing the fugitives, but by wheeling on the left flank of Continentals, who were abandoned by their militia. The contest was yet supported by the Maryland brigades and the Delaware regiment, where a part of the British cavalry, under Major Hanger, was ordered to charge their flank, whilst Lieutenant-Colonel Tarleton with the remainder of his regiment completed their confusion. Baron De Kalb, on the right of the Americans, being still ignorant of the flight of their left wing and center, owing to the thickness of the air, made a vigorous charge with a regiment of continental infantry through the left division of the British, and when wounded and taken taken would scarcely believe that General Gates was defeated.

After this last effort of the Continentals rout and slaughter ensued in every quarter. Brigadier-General Gist moved off with about 100 Continentals in a body, by wading through the swamp on the right of the American position, where the British cavalry could not follow; this was the only party that retreated in a compact state from the field of battle. * * * In a pursuit of 22 miles many prisoners of all ranks, 20 ammunition wagons, 150 carriages, containing the baggage, stores, and camp equipage of the American army, fell into the hands of the victors.

In the action near Camden the killed, wounded, and missing of the King's troops amounted to 324, officers included. The destruction fell principally upon the center, owing to the well-directed fire of the Continentals and the execution done by the American artillery. The Americans lost 70 officers, 2,000 men (killed, wounded, and prisoners), 8 pieces of cannon, several colors, and all their carriages and wagons containing the stores, ammunition, and baggage of the whole army. [a]

The conduct of one of the regiments of militia at Camden merits special observation. A week after the battle, Governor Nash of North Carolina wrote to the delegates of the assembly:

Since our late defeat near Camden I delayed writing till I could give you some certain account of that unhappy affair. The militia, except one North Carolina regiment, commanded on the occasion by Colonel Dixon, of the regulars, gave way on the first fire and fled with the utmost precipitation. The regulars and the regiment just mentioned bravely stood and pushed bayonets to the last. By the desertion of the militia the enemy were able to turn the left of the standing troops and to bend their whole force against them. The conflict was obstinate and bloody and lasted for fifteen minutes. [b]

In his reflection on the battle of Camden, Lee says:

None, without violence to the claims of honor and justice, can withhold applause from Colonel Dixon and his North Carolina regiment of militia. Having their flank exposed by the flight of the other militia, they turned with disdain from the ignoble example, and fixing their eyes on the Marylanders, whose left they became, deter-

[a] Tarleton's Campaign in North Carolina, p. 106–109.
[b] Tarleton's Campaign in North Carolina, p. 149.

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mined to vie in deeds of courage with their veteran comrades. Nor did they shrink from this daring resolve. In every vicissitude of the battle this regiment maintained its ground, and when the reserve under Smallwood, covering our left, relieved its naked flank, forced the enemy to fall back. Colonel Dixon had seen service, having commanded a Continental regiment under Washington. By his precepts and example he infused his own spirit into the breasts of his troops, who, emulating the noble ardor of their leader, demonstrated the wisdom of selecting experienced officers to command raw soldiers.[a]

Years after the Revolution, in alluding to this same regiment, the former commander of the famous Partisan Legion plainly expressed his opinion of our military policy:

Here was a splendid instance of self-possession by a single regiment out of two brigades. Dixon had commanded a Continental regiment and, of course, to his example and knowledge much is to be ascribed, yet praise is nevertheless due to the troops. While I record with delight facts which maintain our native and national courage, I feel a horror lest demagogues who flourish in a representative system of government (the best, when virtue rules, the wit of man can devise) shall avail themselves of the occasional testimony to produce a great result.

Convinced as I am that a government is the murderer of its citizens which sends them to the field uninformed and untaught, where they are to meet men of the same age and strength, mechanized by education and discipline for battle, I can not withhold my denunciation of its wickedness and folly.[b]

To return to military operations at the North, the situation was materially changed in July by the advent of a French force under Rochambeau. After getting back to New York, Clinton had planned an attack upon the French at Newport, but this was given up on account of a disagreement with the English admiral and of a demonstration against New York made by Washington.

No other operations of moment took place during the campaign. Two events favorable to the American cause occurred during the year—the joining by Spain of the French alliance, and the declaration of war against Great Britain by Holland.

On the 1st of May, 1780, there were at New York 15,162 British and German troops and 2,162 Provincials; in South Carolina, 10,059 British and Germans, and 2,758 Provincials, making a total of 30,171 men. The following table gives the quotas assigned to the different States and the number of troops furnished by each:

States.	Quotas required.		Troops furnished.		Total number of continentals and militia.
	Number of battalions. 522 men each.	Number of men.	Number of continental troops.	Number of militia.	
New Hampshire	3	1,566	1,017	760	1,777
Massachusetts	15	7,830	4,453	3,436	7,889
Rhode Island	2	1,044	915	.....	915
Connecticut	8	4,176	3,133	554	3,687
New York	5	2,610	2,179	668	2,847
New Jersey	3	1,566	1,105	162	1,267
Pennsylvania	11	5,742	3,337	.....	3,337
Delaware	1	522	325	231	556
Maryland	8	4,176	2,065	.....	2,065
Virginia	11	5,742	2,486	.....	2,486
North Carolina	6	3,132	.....	.....	.....
Georgia	1	522	.....	.....	.....
Total	80	41,760	21,015	5,811	26,826

[a] Lee's Memoirs, p. 97.
[b] Lee's Memoirs, vol. 1, p. 186.

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Conjectural estimate of militia in addition to the above.[a]

[Total conjectural estimate of militia, 16,000. Grand total, 42,826. These errors in addition are here corrected.]

New York, for two months	2,000
Virginia, for twelve months	1,500
Virginia, for three months	3,000
North Carolina, average twelve months	3,000
South Carolina, average four months	5,000
South Carolina, average eight months	1,000
Georgia	750
Total	16,250
Grand total	43,076

We see from the table that the men actually sent to the Continental Army fell short of the quotas required by nearly one-half; that the militia, mostly employed in the South, outnumbered the Continentals; and that the total of troops furnished exceeded that of the previous year by a little over a thousand.

BOUNTY.

In 1780 the same causes tended to retard enlistments and to stimulate bounties as in former years. The enormous depreciation of the currency also contributed to the apparent increase of the bounty, which in New Jersey reached the large sum of $1,000 in excess of all Continental allowances and bounties. This depreciation caused the greatest distress among the officers, and impelled Washington to repeatedly urge that they be offered half-pay for life to induce them to remain in service till the end of the war. Congress finally adopted this recommendation on the 21st of October.

REDUCTION OF THE ARMY.

On the 3d of October it was resolved that after the 1st of January, 1781, the Army should consist of:

Four regiments of cavalry, each of 6 troops of 64 noncommissioned officers and privates.
Four regiments of artillery, with 9 companies of 65 noncommissioned officers and privates.
Forty-nine regiments of infantry, with 9 companies of 64 noncommissioned officers and privates.
One regiment of artificers, with 8 companies of 60 noncommissioned officers and privates.

The officers of each company consisted of a captain and 2 lieutenants. The quotas were assigned as follows:

New Hampshire: Two regiments of infantry.
Massachusetts: Ten regiments of infantry and 1 of artillery.
Rhode Island: One regiment of infantry.
Connecticut: Five regiments of infantry and 1 of cavalry.
New York: Two regiments of infantry and 1 of artillery.
New Jersey: Two regiments of infantry.
Pennsylvania: Six regiments of infantry and 1 of artillery.
Delaware: One regiment of infantry.
Virginia: Eight regiments of infantry, 2 of cavalry, and 1 of artillery.
North Carolina: Four regiments of infantry.
South Carolina: Two regiments of infantry.
Georgia: One regiment of infantry.

[a] Exact returns of militia not rendered. See Report of General Knox, Secretary of War, American State Papers, Military Affairs, Vol. I.

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Referring to the reduction of the Army, Washington, on the 11th of October, wrote to the President of Congress:

I must confess, also, that it would have given me infinite pleasure if Congress had thought proper to take the reduction and incorporation of the regiments under their own direction. The mode of leaving it to the States is contrary to my sentiments, because it is an adherence to the State system, and because I fear it will be productive of great confusion and discontent; and it is requisite the business in contemplation should be conducted with the greatest circumspection. I fear also the professing to select the officers retained in service will give disgust both to those who go and to those who remain. The former will be sent away under the public stigma of inferior merit, and the latter will feel no pleasure in a present preference when they reflect that at some future period they may experience a similar fate. I barely mention this, as I am persuaded Congress did not advert to the operation of the expressions made use of, and will readily alter them.[a]

In making the reduction, Congress provided that the officers made supernumerary, as well as those who remained in service, should receive half-pay for life.

DETACHED SERVICE.

In the same letter, Washington refers to detached service, an evil from which our Army has suffered since its foundation to the present time. Speaking of the organization of the regiments and of the number of officers needed in each, he writes:

I would therefore beg leave to propose that each regiment of infantry should consist of 1 colonel, where the present colonels are continued, or 1 lieutenant-colonel commandant, 2 majors (a first and second), 9 captains, 22 subalterns, 1 surgeon, 1 mate, 1 sergeant-major, 1 quartermaster-sergeant, 45 sergeants, 1 drum major, 1 fife major, 10 drums, 10 fifes, 612 rank and file. Fifty regiments, at 612 rank and file each, will amount to 30,600 rank and file, the force I have stated to be requisite.

The number of officers to a regiment by our present establishment has been found insufficient. It is not only inconvenient and productive of irregularities in our formation and maneuvers, but the number taken for the different offices of the staff leaves the regiments defective in field officers, and the companies so unprovided that they are obliged to be intrusted to the care of sergeants and corporals, which soon ruins them. To obviate this, I ask three field officers to a regiment besides a captain and two subalterns, to do the duty of each company, three supernumerary as paymaster, adjutant, and quartermaster, and one to reside in the State as a recruiting officer. * * * These field officers will be thought necessary when we consider the great proportion employed as adjutant-general, inspectors, brigade majors, wagon master, superintendent of hospitals; in addition to whom I would also propose a field officer to reside in each State, where the number of its regiments exceeds two, and a captain where it does not, to direct the recruiting service and transact with the State all business for the line to which he belongs, which I think would be a very useful institution.[b]

The provision of an extra field officer to conduct the recruiting service and to transact all business with the State was an approach to the depot system now adopted throughout Europe. To lessen the evil of detaching enlisted men, a resolution was passed in March, 1779, organizing a wagoners' corps, similar in its object to the "military trains" of Europe. This resolution was repealed in April, the commander in chief being authorized to enlist for nine months, or for the next campaign, all the wagoners he might deem necessary.

DEPRECIATION OF THE CURRENCY.

The military policy during the Revolutionary period was so strongly influenced by the depreciation of the currency that a brief statement of its progress would seem necessary.

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[a] Sparks's Writings of Washington, vol. 7, pp. 254, 255.
[b] Sparks's Writings of Washington, vol. 7, p. 251, 252.

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The Continental Congress, without power to raise a dollar by taxation and only able to pledge the public faith for the redemption of its currency, began to emit bills of credit a year before the Declaration of Independence. In June, 1775, it issued $2,000,000; in July a third million, followed by three more in November. Three more issues of five millions each took place in February, May, and July, 1776.

The waste, incident to the employment of large bodies of raw troops now began. At the end of 1778 the issues amounted to a hundred millions; in September of 1779 they reached one hundred and sixty millions, and finally overran by a million dollars the two hundred millions which Congress in a pledge to the people had fixed as the limit.

After nine millions had been issued, the depreciation was scarcely discernible, but with each subsequent issue, and each reverse to our arms, it steadily increased.

In January, 1777, paper currency, as compared with specie, stood one and a quarter for one; in January, 1778, four to one; in January, 1779, seven, eight, and nine to one. From this time till November it advanced to twelve, twenty, thirty, forty, and forty-five for one. In April, May, June, and July, 1780, it ranged at sixty, reached one hundred in November, and finally, in May, 1781, ceased entirely to circulate.

When this fatal result could no longer be averted, Congress, in March, 1780, tried to set on foot a new scheme of finance, and with five millions of specie sought to redeem, at the rate of forty for one, the two hundred millions of currency which represented the labor and privations of a patriotic people during five years of war.

SUPPLY DEPARTMENT.

The same confusion of ideas which prevailed in the organization of the line of the Army during the Revolution appears in the legislation pertaining to the supply department.

Taking the Quartermaster's Department as an illustration, the Journals of Congress show that the first resolution, on the 16th of June, 1775, looked no further than to the appointment of "one Quartermaster-General for the grand army and one for the separate army."

July 19, by a resolution passed, in all probability after the receipt of a letter from General Washington in regard to this subject, the appointment of the Quartermaster-General, Commissary of Musters, and the necessary officers, was left to his discretion. Under this authority he appointed Major Mifflin, of Pennsylvania, Quartermaster-General, and later in the year (December 22) Congress gave him the rank of colonel.

In May, 1776, Colonel Mifflin resigned the office of Quartermaster-General, having been elected by Congress a brigadier-general of the Army, and on the 5th of June Stephen Moylan was chosen by that body to succeed him. Colonel Moylan having tendered his resignation, Congress by resolution of October 1, 1776, requested General Mifflin to resume the duties of the office, with the continuance of his rank and pay as a brigadier-general.

December 26, Washington was authorized to appoint a clothier-general, whose duties were entirely distinct from the Quartermaster's Department.

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In October, 1777, on account of ill health, Mifflin resigned the office of Quartermaster-General as well as that of major-general, to which Congress had elected him in the preceding February. His resignation as Quartermaster-General was accepted, but his rank of major-general was continued without pay until the further pleasure of Congress. Subsequently, November 8, 1777, this body again requested him to take the office of Quartermaster-General, though he does not seem to have accepted.

March 2, 1778, Congress named Gen. Nathaniel Greene, Quartermaster-General, and authorized him to select two assistants and to appoint all the agents of the department. Under the organization which prevailed up to 1780, it will be observed that all the purchasing agents of the departments were citizens without military rank; they had no fixed salary, but were allowed to indemnify themselves by a commission or percentage of the funds they disbursed.

The temptation thus offered to corruption was constantly increased by the fluctuations of the currency. As early as September, 1778, oats sold in Boston at $4 a bushel, and hay at $80 a ton. In October, 1778, Quartermaster-General Greene, in a letter to Washington, estimated the cost of each team per day at $14, and the cost of transporting a barrel of flour at $6 for every 10 miles.

The advance in provisions and clothing was scarcely less ruinous. In 1780 the cost of a hat was $400, a suit of clothes $1,600, while the year's pay of a captain would not buy a pair of shoes.

As a result of increasing prices and commissions, charges of corruption against Government agents soon became universal. Under such a system all efforts to protect the national treasury were vain. With no other power than to lessen its own authority and increase the general confusion, Congress at last passed a resolution in July, 1779, earnestly requesting—

> the executive powers of each State to make the strictest inquiry into the conduct of every person within such State respectively employed, either in the Quartermaster-General's or purchasing or issuing Commissary-General's Departments.

The State authorities were further empowered to remove or suspend persons or agents "in case of any kind of misbehavior or strong suspicion thereof," and also to discharge and appoint in the above departments such persons as they might "judge necessary."

The above resolution was the first step toward the reorganization of the Quartermaster's Department, which took place in July, 1780. The new system was adopted in opposition to the report of a Congressional committee which had perfected a plan after full consultation with Washington and Greene. It established no check to corruption, but rather increased it by recognizing the paramount authority of the States, under the Confederation, in every matter pertaining to the supply of men and means for the prosecution of the war.

The new organization consisted of a Quartermaster-General and an Assistant Quartermaster-General, appointed by Congress, one Deputy Quartermaster for the main Army and one for each separate army, to be appointed by the Quartermaster-General. The latter officer was further authorized to name a deputy for each State, subject to the approval of the chief executive of the State, and the deputy in his turn was to select such storekeepers, clerks, contractors, artificers, and laborers as might be necessary within his jurisdiction.

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Greene was so much opposed to the new organization that he resigned his position in August, and on the 5th of this month Congress elected Colonel Pickering to succeed him. This officer, who still remained a member of the board of war, discharged the duties of the office until the end of the Revolution.

From this time forward Congress lost all control of national expenditures, which were now made to depend on the honesty and economy of the agents of the States. Grave as were the defects of the army supply system devised by Congress, they were small in comparison with the difficulties imposed upon the departments by a depreciated currency. So long as the Continental paper money remained at par, provisions and forage were not wanting, but as soon as depreciation set in the supplies of all kinds were gradually cut off.

A consideration of the various expedients adopted during the Revolution to prevent the dissolution of the army from cold and hunger brings before us a vivid picture of those evil days. Let us not forget that the maintenance of the same general system of military policy may expose us hereafter to similar ills, and that during the rebellion, in the brief space of four years, it forced upon us a debt of almost three thousand million dollars.

When Congress saw that its credit was declining through the too free emission of an irredeemable paper currency it sought to replenish the Treasury by taxes levied by the States, and when these were not forthcoming, either in money or in kind, its next alternative was to make requisition upon the States for the supplies actually needed. The responsibility was thus shifted upon the States, whose credit with the people was but little better than that of Congress.

When both the Continental and State currencies failed to induce our citizens to part with their property, the next measure was forcible impressment, sanctioned by resolution of Congress and State laws. In the first grant of dictatorial powers to Washington he was authorized, in the language of the resolution—

> to take, wherever he may be, whatever he may want for the use of the Army, if the inhabitants will not sell it, allowing a reasonable price for the same.

He was further empowered to arrest and confine any person who refused to take the Continental currency or was disaffected to the American cause.

In the second grant he was authorized within a circumference of 70 miles from his headqarters—

> to take wherever he may be, all such provisions and other articles as may be necessary for the comfortable subsistence of the army under his command, paying or giving certificates for the same.

The injustice of the impressment laws was their least objectionable feature. They legalized violence, and, worse still, tended to expose unprotected citizens to cruelty and outrage. The correspondence between Washington and Greene, in 1780, shows the influence of these laws in relaxing the bonds of discipline and forcing officers to resort to illegal and summary punishment as the only means of protecting the life and property of our citizens. On the 26th of August Greene, who commanded a detachment sent to cover a foraging party near the enemy's lines, wrote as follows:

> There have been committed some of the most horrid acts of plunder by some of the Pennsylvania line that have disgraced the American arms during the war. The instances of plunder and violence are equal to anything committed by the Hessians.

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Two soldiers were taken that were out upon the business, both of which fired upon the inhabitants to prevent their giving intelligence. I think it would be a good effect to hang one of these fellows in the face of the troops, without the form of a trial. It is absolutely necessary to give a check to the licentious spirit, which increases amazingly. The impudence of the soldiers is intolerable. A party plundered a house yesterday in sight of a number of officers, and even threatened the officers if they offered to interfere. It is the opinion of most of the officers that it is absolutely necessary for the good of the service that one of these fellows should be made an example of, and if your Excellency will give permission, I will have one hung up this afternoon when the army are ready to march by.

There is also a deserter, taken three-quarters of the way over to New York, belonging to the 7th Pennsylvania Regiment, which the officers not only of the regiment, but several others, wish may be executed in the same way that I propose to execute the other in. Several deserters are gone off yesterday and last evening.
* * *

I wish Your Excellency's answer respecting the two culprits, as we shall march at five this evening.[a]

In a postscript he adds:

More complaints have this moment come in, of a more shocking nature than those related.

Washington's reply was as follows:

I am this moment favored with your letter of this day. I need scarcely inform you of the extreme pain and anxiety which the licentiousness of some of the soldiery has given me. Something must and shall be done, if possible, to put an effectual check to it. I entirely approve of the prompt punishment which you propose to have inflicted on the culprits in question. You will, therefore, please to order one of the soldiers detected in plundering, and also the deserters you mention, to be immediately executed.[b]

* * * * * * *

The summary execution of American soldiers without trial, by order of the "Father of his Country," the plundering of our citizens, and the seizure of their property without payment were only a few of the evils springing from unwise legislation.

Toward the close of the war one or more of the States, regardless of the general welfare, made the seizure of supplies for the army a penal offense.

WASHINGTON'S CRITICISM OF OUR MILITARY POLICY.

The opinions held by Washington as to our military policy, after an experience of five years, are thus stated in a letter to the President of Congress, dated the 20th of August:

Had we formed a permanent army in the beginning, which, by the continuance of the same men in service, had been capable of discipline, we never should have had to retreat with a handful of men across the Delaware in 1776, trembling for the fate of America, which nothing but the infatuation of the enemy could have saved; we should not have remained all the succeeding winter at their mercy, with sometimes scarcely a sufficient body of men to mount the ordinary guards, liable at every moment to be dissipated, if they had only thought proper to march against us; we should not have been under the necessity of fighting Brandywine, with an unequal number of raw troops, and afterwards of seeing Philadelphia fall a prey to a victorious army; we should not have been at Valley Forge with less than half the force of the enemy, destitute of everything, in a situation neither to resist nor to retire; we should not have seen New York left with a handful of men, yet an overmatch for the main army of these States, while the principal part of their force was detached for the reduction of two of them; we should not have found ourselves this spring so weak as to be insulted by 5,000 men, unable to protect our baggage and magazines, their security depending on a good countenance and a want of enterprise

[a] Greene's life of General N. Greene. vol. 2, pp. 207, 208.
[b] Greene's Life of General N. Greene, vol. 2, p. 208.

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in the enemy; we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford, and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered, with impunity from the same cause.

Nor have the ill effects been confined to the military line. A great part of the embarrassments in the civil departments flow from the same source. The derangement of our finances is essentially to be ascribed to it. The expenses of the war and the paper emissions have been greatly multiplied by it. We have had a great part of the time two sets of men to feed and pay—the discharged men going home and the levies coming in. This was more remarkably the case in 1775 and 1776. The difficulty and cost of engaging men have increased at every successive attempt, till among the present lines we find there are some who have received $150 in specie for five months' service, while our officers are reduced to the disagreeable necessity of performing the duties of drill sergeants to them, with this mortifying reflection annexed to the business, that by the time they have taught these men the rudiments of a soldier's duty their services will have expired and the work recommenced with a new set. The consumption of provisions, arms, accouterments, and stores of every kind has been doubled in spite of every precaution I could use, not only from the cause just mentioned, but from the carelessness and licentiousness incident to militia and irregular troops. Our discipline also has been much hurt, if not ruined, by such constant changes. The frequent calls upon the militia have interrupted the cultivation of the land, and of course have lessened the quantity of its produce, occasioned a scarcity, and enhanced the prices. In an army so unstable as ours order and economy have been impracticable. No person who has been a close observer of the progress of our affairs can doubt that our currency has depreciated without comparison more rapidly from the system of short enlistments than it would have done otherwise.

There is every reason to believe that the war has been protracted on this account. Our opposition being less, the successes of the enemy have been greater. The fluctuation of the army kept alive their hopes, and at every period of the dissolution of a considerable part of it they have flattered themselves with some decisive advantages. Had we kept a permanent army on foot the enemy could have had nothing to hope for, and would in all probability have listened to terms long since.[a]

Further confirmed in his convictions by the defeat of General Gates, he wrote to the President of Congress on the 15th of September:

I am happy to find that the last disaster in Carolina has not been so great as its first features indicated. This event, however, adds itself to many others to exemplify the necessity of an army and the fatal consequences of depending on militia. Regular troops alone are equal to the exigencies of modern war, as well for defense as offense, and whenever a substitute is attempted it must prove illusory and ruinous. No militia will ever acquire the habits necessary to resist a regular force. Even those nearest to the seat of war are only valuable as light troops to be scattered in the woods and harass rather than do serious injury to the enemy. The firmness requisite for the real business of fighting is only to be attained by a constant course of discipline and service. I have never yet been witness to a single instance that can justify a different opinion, and it is most earnestly to be wished that the liberties of America may no longer be trusted, in any material degree, to so precarious a dependence. I can not but remark that it gives me pain to find the measures pursuing at the southward still turn upon accumulating large bodies of militia, instead of once for all making a decided effort to have a permanent force. In my ideas of the true system of war at the southward, the object ought to be to have a good army rather than a large one.[b]

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[a] Sparks's Writings of Washington, vol. 7, pp. 162, 164.
[b] Sparks's Writings of Washington, vol. 7, pp. 205, 206.

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CHAPTER VII.

CAMPAIGN OF 1781.

Be the dangers of standing armies what they may, with the opening year came ample proof of the correctness of Washington's statement, that "It is our policy to be prejudiced against them in time of war."

MUTINY OF THE PENNSYLVANIA LINE.

The growing discontent of troops without pay, without clothing, and often without food, culminated, on the 1st of January, in a revolt of the Pennsylvania Line. Despite the efforts of their officers, several of whom were killed and wounded in the attempt to restore order, the mutineers, under the command of their sergeants, marched toward Philadelphia with the intention of demanding redress from the Government.

Fearing that the defection might extend to the rest of the Army, Congress sent a committee, preceded by the governor of Pennsylvania, to make the following propositions to the mutineers:

To discharge all those who had enlisted indefinitely for three years or during the war, the fact to be inquired into by three commissioners to be appointed by the executive and to be ascertained, where the original enlistment could not be produced, by the oath of the soldier. To give immediate certificates for the depreciation on their pay and to settle arrearages as soon as circumstances would admit. To furnish them immediately with certain specified articles of clothing which were greatly wanted.[a]

These terms which involved the complete surrender of the civil power, not to the Army, but to a band of mutineers, were accepted with the further stipulation that the enlisted men of the Pennsylvania Line should depute three additional commissioners to act with the others in determining what soldiers should be discharged.

General Wayne, who commanded the troops at the time of the revolt, wrote as follows in regard to this settlement:

I could wish that the Commissioners had given time for the officers to produce the attestations before they made the oath so common. The papers were collected the soonest possible; the enlistments were generally and expressly for the war. But the birds were flown. I will not say that it was not in some degree an act of expediency, in order to get the artillery, spare ammunition, and part of the small arms out of their hands. These I have taken the precaution to forward by water to Philadelphia.[b]

As a consequence of the mutiny, the six regiments composing the quota of Pennsylvania, under the latest resolution of Congress, were

[a] Sparks's Writings of Washington, vol. 7, p. 359.
[b] Sparks's Writings of Washington, vol. 7, p. 387.

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dissolved for the time being and did not again reassemble at the appointed rendezvous before the month of March. A similar movement on the part of the New Jersey troops was suppressed by strong military measures.

MILITARY OPERATIONS.

The principal events in the South, during the campaign of 1781, were Morgan's victory over Tarleton at the Cowpens and the skillful retreat of Greene through North Carolina prior to taking the offensive and fighting the battles of Guilford Court-House, Hobkirk Hill, and Eutaw Springs.

Although the British in each instance remained masters of the field, these engagements were practical victories for Greene, who had been compelled to make his tactical dispositions conform to the character of his troops.

Morgan's injunction to the militia at the Cowpens was, "Just hold up your heads, boys—three fires, and you are free."

Avoiding the fatal mistake of Gates at Camden, the militia in this engagement were posted in two lines in front of the Continental regulars.

At Guilford Court-House, where Greene made a similar disposition of his troops, three rounds only were asked of the militia, as at the Cowpens; but when the enemy came in sight the first line gave way, followed shortly after by the second. The battle was then given over to the Continental regular troops, nearly all of whom, with the exception of one regiment, were raw recruits.

An incident of this battle should not be overlooked. Stevens, profiting by his experience at Camden, where he had been deserted by his brigade, placed a chain of sentinels in rear of the second line with orders to shoot the first man who should try to quit his post.

While the militia as a body did not surpass the expectations of Greene and Morgan, many of the Virginia contingent, who had been former Continental soldiers, proved the worth of instruction and discipline by their individual good conduct at the Cowpens, and the same fact was illustrated at Guilford Court House by the behavior of many of the militia officers from the same State.[a]

In January Arnold ravaged the banks of the James, captured Richmond without opposition, and burnt the public buildings. After the battle of Guilford Court House Cornwallis withdrew to Wilmington, and then marched to Virginia.

At the north, Washington, though joined by Rochambeau, was not strong enough to attack New York. After remaining inactive until August, the two commanders marched their troops southward, joined the forces under Lafayette, and in conjunction with the French fleet, achieved at Yorktown, on the 19th of October, the crowning success of the war —the capture of Cornwallis and his army of 7,000 men.

This victory proved to be the last battle of the Revolution, although it did not at the time abate Washington's preparations for another campaign.

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[a] These officers had recently held commissions in the Continental Army, and having been made supernumerary by the reduction of that establishment had been appointed to the militia by Governor Jefferson at the urgent request of General Greene.

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STRENGTH OF THE BRITISH ARMY IN 1781.

On the 1st of September, 1781, the British forces in America were estimated as follows:

	New York.	Virginia.	South Carolina.	Georgia.	Florida.	Nova Scotia.
British	5,932	5,544	5,024	.....	920	1,745
Germans	8,629	2,204	1,596	486	558	562
Provincials	2,140	1,137	3,155	598	211	1,145
Total	16,701	8,885	9,775	1,084	1,689	3,452

British—Providence Island, 135; Bermuda, 354. Total, 42,075.
The military strength on the 1st of June was 31,663.

STRENGTH OF THE CONTINENTAL ARMY AND OF THE MILITIA IN 1781, 1782, AND 1783.

The following tables show the quotas assigned to the States and the troops furnished by each during the years 1781, 1782, and 1783: [a]

1781.

States.	Quotas required.		Troops furnished.		Number of militia and Continentals.
	Number of battalions, 576 men each.	Number of men.	Number of Continentals.	Number of militia.	
New Hampshire	2	1,152	700	.....	700
Massachusetts[a]	11	6,336	3,732	1,566	5,298
Rhode Island	1	576	464	.....	464
Connecticut[a]	6	3,456	2,420	1,501	3,921
New York	3	1,728	1,178	.....	1,178
New Jersey	2	1,152	823	.....	823
Pennsylvania	9	5,184	1,346	.....	1,346
Delaware	1	576	89	.....	89
Maryland	5	2,880	770	[b] 1,337	2,107
Virginia	11	6,336	1,225	[c] 2,894	4,119
North Carolina	4	2,304	545	.....	545
South Carolina	2	1,152	.....	.....	.....
Georgia	1	576	.....	.....	.....
Total	58	33,408	13,292	7,298	20,590

[a] Four months' men. [b] With General Greene. [c] Before Yorktown.

Conjectural estimate of militia in addition to the above.

Virginia	2,000
North Carolina	3,000
South Carolina	3,000
Georgia	750
Total	8,750
Grand total	29,340

[a] Accurate returns of the Continental troops and the militia were not always rendered—particularly of the militia. See report of General Knox, Secretary of War, American State Papers, Military Affairs, vol. 1, pp. 14–19.

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1782.

States.	Quotas required.		Troops furnished.		Number of militia and Continentals.
	Number of battalions, 576 men each.	Number of men.	Number of Continentals.	Number of militia.	
New Hampshire	2	1,152	744	.....	744
Massachusetts	11	6,336	4,423	.....	4,423
Rhode Island	1	576	481	.....	481
Connecticut	6	3,456	1,732	.....	1,732
New York	3	1,728	1,198	.....	1,198
New Jersey	2	1,152	660	.....	660
Pennsylvania	9	5,184	1,265	.....	1,265
Delaware	1	576	164	.....	164
Maryland	5	2,880	1,280	.....	1,280
Virginia	11	6,336	1,204	.....	1,204
North Carolina	4	2,304	1,105	.....	1,105
South Carolina	2	1,152	.....	.....	.....
Georgia	1	576	.....	.....	.....
Total	58	33,408	14,256	.....	14,256

Conjectural estimate of militia in addition to the above.

Virginia	1,000
South Carolina, for four months	2,000
Georgia	750
Total	3,750
Grand total	18,006

1783.[a]

States.	Quotas required.		Troops furnished.		Number of militia and Continentals.
	Number of battalions, 576 men.	Number of men.	Number of Continentals.	Number of militia.	
New Hampshire	2	1,152	733	.....	733
Massachusetts	11	6,336	4,370	.....	4,370
Rhode Island	1	576	372	.....	372
Connecticut	6	3,456	1,740	.....	1,740
New York	3	1,728	1,169	.....	1,169
New Jersey	2	1,152	676	.....	676
Pennsylvania	7	5,184	1,598	.....	1,598
Delaware	1	576	235	.....	235
Maryland	5	2,880	974	.....	974
Virginia	11	6,336	629	.....	629
North Carolina	4	2,304	697	.....	697
South Carolina	2	1,152	139	.....	139
Georgia	1	576	145	.....	145
Total	56	33,808	13,477	.....	13,477

[a] The Army of the Northern Department was discharged on the 5th of November, 1783, and that in the Southern States on the 15th of November, 1783. (War Office of the United States, May 10, 1790. H. Knox, Secretary of War. American State Papers, Military Affairs.)

The number of soldiers furnished by the several States to the Continental Army during the war was as follows:

Massachusetts	67,907	North Carolina	7,263
Connecticut	31,939	South Carolina	6,417
Virginia	26,678	Rhode Island	5,908
Pennsylvania	25,678	Georgia	2,679
New York	17,781	Delaware	2,386
Maryland	13,912		
New Hampshire	12,497	Total	231,771
New Jersey	10,726		

The number of militia furnished by the several States during the war, according to the returns and conjectural estimates of the Secretary of War, was 164,087.[a]

[a] American State Papers, vol. 1, pp. 14, 19.

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Total Continentals and militia furnished during the war, 395,858.

If we examine these figures, it will appear that in 1776, when the aggregate number of our troops reached 89,600, the British had but 20,121, and that from that time our number steadily dwindled down to 29,340 in 1781, while the British strength constantly increased till it reached 42,075.

Looking back at the whole Revolutionary struggle, notwithstanding our employment from first to last of almost 400,000 men, we find that but two military events had a direct bearing upon the expulsion of the British. One of these was the capture of Burgoyne; the other that of Cornwallis—an event which was only made possible by the cooperation of a French army and a French fleet.

SUPREMACY OF THE STATES.

When extravagance and disaster had ruined the credit of the Government so that Congress no longer felt able to carry on the war successfully, the project of a confederation of the States was brought forward as the only means by which the contest could be prolonged. Fortunately for our country when this change in its form of government actually took place, complications in European politics had given us powerful allies, first in France and afterwards Spain.

Under the confederation, authority to arm and equip troops being left wholly to the States, they necessarily became more or less independent of Congress. In May, 1779, without consulting the Commander in Chief, the people of Boston fitted out a military and naval expedition of nearly four thousand men for the purpose of capturing a British force, seven to eight hundred strong, which had established a post near the mouth of the Penobscot. The garrison was besieged until the 13th of August, when the arrival of a British fleet compelled its assailants to destroy their transports, take to the woods, and make their way home through the wilderness as best they could. Congress having assumed later the expense of this ill-advised undertaking, its sole effect was to deplete the national treasury.

Still graver complications were liable to occur under the system of confederation, as was strikingly illustrated by the action of the governor of Virginia. General Greene, while operating near Fort Ninety-six, in South Carolina, and impatiently awaiting the militia ordered by Congress, was apprised that Governor Jefferson had detained the Virginia contingent and ordered it to remain for the defense of the State.

In a letter dated June 27, Greene represents the confusion and danger to which such an interference gave rise:

> The tardiness and finally the countermanding of the militia ordered to join this army has been attended with the most mortifying and disagreeable consequences. Had they taken the field in time and in force we should have completed the reduction of all the enemy's outposts in this country, and for want of which we have been obliged to raise the siege of Ninety-six after having the town closely besieged for upward of twenty days, and where four more would have completed its reduction. For want of the militia the approaches went on slow and the siege was rendered bloody and tedious. * * *
>
> The high respect which I ever wish to pay to the prerogatives of every State induces me to question with all due deference the propriety of your excellency's order for countermanding the militia which were directed to join this army. No general plan can ever be undertaken with safety when partial orders may interrupt its progress. Nor is it just to the common interest that local motives should influence measures for the benefit of a part to the prejudice of a whole. I conceive

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it to be the prerogative of a governor to order the force belonging to a State as he may think necessary for the protection of its inhabitants. But those that are ordered out upon the Continental establishment are only subject to the orders of their officers. Without this just and necessary distribution there would be endless confusion and ruinous disappointments. I only mention these things to avoid a misunderstanding in future. I have no wish for command further than the interest and happiness of the people are concerned, and I hope everybody is convinced of this, from my zeal to promote the common safety of the good people of these Southern States. I feel for the sufferings of Virginia, and if I had been supported here in time I should have been there before this with a great part of our cavalry.[a]

The wretched condition of the Army during the later years of the war was another baleful effect of the quasi independence of the States under the new system.

Though in many parts of the country supplies were abundant, in spite of the ravages of war, yet from the north to the south hunger and nakedness everywhere prevailed in the Continental garrisons and camps.

General Heath on the 6th of May, 1781, wrote to Washington reporting the distress of the garrison at West Point:

I hoped I should not have been compelled again to represent our situation on account of provisions, but supplies of meat have not arrived. All the Irish beef in the store has been gone for some days; we are at last forced in upon the reserves. That in Fort Clinton has all been taken out this day. The pork which was ordered to be reserved is all issued, except about 16 barrels. The boats are now up from below for provisions, with representations that they are out; the reserves will be gone in a few days if relief does not arrive, and hunger must inevitably disperse the troops. If the authority will not order on supplies, I will struggle to the last moment to maintain the post; but regard to my own character compels me to be thus explicit—that if any ill consequences happen to this post, or its dependencies, through want of provisions, I shall not hold myself accountable for them.[b]

With no general government to which appeal for relief could be made, Washington replied on the 8th:

Distressed beyond expression at the present situation and future prospects of the Army with regard to provisions, and convinced with you that, unless an immediate and regular supply can be obtained, the most dangerous consequences are to be apprehended, I have determined to make one great effort more on the subject, and must request that you will second and enforce my representations to, and requisitions upon, the New England States by your personal application to the several executives, and even assemblies, if sitting, as I suppose they will be in the course of this month.

From your intimate knowledge of our embarrassed and distressed circumstances, and great personal influence with the Eastern States, I am induced to commit the execution of this interesting and important business to you, and wish you to set out on this mission as early as may be convenient.[b] * * *

The next day Washington sent General Heath the following instructions:

You will be pleased to proceed immediately to the several eastern States with the dispatches addressed to the governors of Connecticut, Rhode Island, Massachusetts Bay, and the president of New Hampshire, on the subject of supplies for the Army. * * *

The great objects of your attention and mission are, first, an immediate supply of beef cattle; second, the transportation of all the salted provisions in the western part of Connecticut and Massachusetts, and, third, the establishment of a regular systematic, effectual plan for feeding the Army through the campaign. Unless the two former are effected, the garrison of Fort Schuyler must inevitably, that of West Point may probably, fall, and the whole Army be disbanded; without the latter,

[a] Greene's Life of General N. Greene, vol. 3, pp. 555, 556.
[b] Heath's Memoirs, p. 283.

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the same perplexing wants, irregularities, and distress, which we have so often experienced, will incessantly occur, with eventual far greater evils, if not final ruin.

With regard to the particular mode of obtaining and transporting supplies I will not presume to dictate; but something must now be attempted on the spur of the occasion. I would suggest whether it would not be expedient for a committee from the several States, consisting of a few active, sensible men, to meet at some convenient place, in order to make out, upon a uniform and great scale, all the arrangements respecting supplies and transportation for the campaign. In the meantime, to avoid the impending dissolution of the Army, the States must individually comply precisely with the requisitions of the quartermaster and commissary upon them. * * * Previous to your departure you will obtain from the quartermaster-general and commissary with the Army, the proper estimates of supplies and transportation to be required of the several States, together with all the light and information concerning their department, which may be requisite to transact the business committed to you.

After having delivered the dispatches with which you are charged, and made such further representations as you may judge necessary, you will not cease your applications and importunities until you are informed officially whether effectual measures are or will be taken to prevent the Army from starving and disbanding.[a] * * *

These instructions incidentally set forth the difficulties of making war through the combined action of thirteen distinct governments. The only method by which Washington could prevent the dispersion of an important garrison was to order its commander to quit his post, go as a suppliant before the New England assemblies, and beg them for food.

To their honor be it said that they afforded relief, and through the joint action of committees from each State, as suggested in Washington's letter, devised measures by which the Army was thenceforth regularly supplied.

CONDUCT OF THE ARMY.

An attentive consideration of the behavior of the regular, or Continental, troops during the Revolution ought to convince every American citizen that a standing army is among the least of the perils to which our freedom is exposed.

From the very beginning of the war the depreciation of the currency practically compelled the officers and men to serve without pay. Weary, naked, foot-sore, and hungry, they made long marches, endured the hardships of winter quarters, and fought their country's battles without the hope of reward. During this long period the want of food, pay, and clothing—usual causes of mutiny—were at all times pressingly felt; and yet, with the exception of a few regiments and the troops of one or two States, the Continental Army was ever true to its trust.

Even the mutiny of the Pennsylvania and New Jersey Line served to illustrate the difference between raw and regular troops. To the former, desertion was the simple and obvious remedy for discontent and ill treatment. Among the latter, a redress of grievances was coupled with loyalty to the cause. They did not mean to desert. Overpowered by a sense of their hardships and wrongs, they momentarily forgot their duty and sought to lay their sufferings before the highest tribunal of the country that it might give them relief. They did not seek to subvert the authority of Congress, but appealed to it as the fountain of justice and law.

The army could point with pride to its subordination to civil authority and to its devotion to liberty. More than this, it could

[a] Heath's Memoirs, pp. 284, 286.

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justly claim that the dictatorial powers conferred upon its commander—arbitrary arrests, summary executions without trial, forced impressment of provisions, and other dangerous precedents of the Revolution—were the legitimate fruits of the defective military legislation of our inexperienced statesmen.

Great as was the devotion of the private soldier, the patriotic record of the officer was even more brilliant. Once only did the officers of a Continental regiment combine for relief, and in this case they were under orders to march not against the British but against the Indians.

In 1779, the officers of the First Regiment of the New Jersey Brigade demanded their pay from the legislature and threatened to consider themselves as out of the service if their application was not granted within three days. This summary demand was necessarily regarded as an invasion of the privileges of the assembly, but through the good offices of Washington it was withdrawn, when the legislature made haste to pay both the officers and men.

The position taken by the officers was explained to Washington as follows:

> We are sorry that you should imagine we meant to disobey orders. It was and is still our determination to march with our regiment, and to do the duty of officers until the legislature shall have a reasonable time to appoint others, but no longer. We beg leave to assure Your Excellency that we have the highest sense of your ability and virtues; that executing your orders has ever given us pleasure; that we love the service, and love our country; but when that country gets so lost to virtue and justice as to forget to support its servants, it then becomes their duty to retire from its service.[a] * * *

From this time forward until the end of the war the whole body of officers joined hands in repressing the spirit of discontent among the soldiers, and during the mutiny of the Pennsylvania Line some of them laid down their lives in attempting to quell the insubordination of the men.

Toward the close of the war, in December, 1782, the officers of the Army addressed Congress in reference to arrears of their pay, and as to the security for their half pay for life.

The inability of Congress to meet any of its obligations and the knowledge that several of the States had opposed the half pay for life induced the officers to propose a commutation instead.

When information reached the camp at Newburg that their proposals had not been accepted, an anonymous writer, presuming upon the discontent of the officers, circulated an address, setting forth the wrongs of the Army. With a view to induce the officers to carry their appeals "from the justice to the fears of the Government," he requested the general and field officers—one officer from each company and a delegate from the medical staff—to meet on the 11th of March, 1783, and consider "what measures (if any) should be adopted to obtain that redress of grievances which they seem to have solicited in vain."

To neutralize the effect of this address Washington, on the 11th of March, requested the general and field officers of the army—an officer from each company and representatives of the staff—to assemble on the 15th "to hear the report of the committee of the Army to Congress."

He also directed the officers to "devise what further measures ought to be adopted as most rational and best calculated to attain the just and important object in view." That nothing might de done without

[a] Irving's Life of Washington, vol. 3, pp. 454, 455.

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his sanction he ordered the senior officer present to preside and report the result of the deliberations to the Commander in Chief.

The day after the publication of this order appeared a second anonymous address by the same author (afterwards General Armstrong), urging energy of action at the meeting sanctioned by the commander in chief.

At the time appointed, the officers convened, and were addressed by Washington, who received the unanimous thanks of the assembly. The address from the Army to Congress in December, the report of the committee from the Army, and the resolutions of Congress of January 25, referring to the pay of the officers, were then read, when a committee was appointed consisting of a general, a field officer, and a captain, with instructions to report in half an hour "resolutions expressive of the business" before the meeting.

The patriotism of the officers, their fortitude in distress, their confidence in the justice of Congress, their devotion to discipline—the only bond that can hold an army together in the hour of disaster—were all expressed in the following resolutions, prepared by the committee consisting of General Knox, Colonel Brooks, and Captain Howard. The report of the committee having been brought in and fully considered:

Resolved unanimously, That at the commencement of the present war the officers of the American Army engaged in the service of their country from the purest love and attachment to the rights and liberties of human nature, which motives still exist in the highest degree, and that no circumstance of distress or danger shall induce a conduct that may tend to sully the reputation of glory which they have acquired at the price of their blood and eight years' faithful services.

Resolved unanimously, That the Army continue to have an unshaken confidence in the justice of Congress and their country; and are fully convinced that the representatives of America will not disband or disperse the Army until their accounts are liquidated, the balance accurately ascertained, and adequate funds established for payment. And, in this arrangement, the officers expect that the half pay, or commutation of it, should be efficaciously comprehended.

Resolved unanimously, That His Excellency the Commander in Chief be requested to write to His Excellency the President of Congress, earnestly entreating the more speedy decision of that honorable body upon the subjects of our late address, which was forwarded by a committee of the Army, some of whom are waiting upon Congress for the result. In the alternative of peace or war this event would be highly satisfactory, and would produce immediate tranquillity in the minds of the Army, and prevent any further machinations of designing men to sow discord between the civil and military forces of the United States.

Resolved, unanimously, That the officers of the American Army view with abhorrence, and reject with disdain, the infamous propositions contained in a late anonymous address to the officers of the Army, and resent with indignation the secret attempts of some unknown persons to collect the officers together in a manner totally subversive of all discipline and good order.

Resolved, unanimously, That the thanks of the officers of the Army be given to the committee, who presented to Congress the late address of the Army, for the wisdom and prudence with which they have conducted that business, and that a copy of the proceedings of this day be transmitted by the President to Major-General McDougall, and that he be requested to continue his solicitations at Congress until the objects of his mission are accomplished.[a] * * *

These proceedings were signed by General Yates, and were forwarded by Washington to Congress, which, in lieu of half-pay for life, gave to the officers full pay for five years, and to the soldiers full pay for four months.

On the 18th of April, 1783, Washington proclaimed the cessation of hostilities, and tendered his congratulations to a patient army.

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[a] Sparks's Writings of Washington, vol. 8, pp. 564, 565.

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MUTINY OF RECRUITS.

Although the war was over, the members of the Continental Congress were destined to personally experience some of the dangers connected with the employment of raw troops.

In June, some 80 recruits mutinied at Lancaster, and fancying themselves aggrieved, marched to Philadelphia, where they were joined by about 200 comrades from the barracks. Proceeding with music and fixed bayonets to the statehouse, where Congress and the executive council of Pennsylvania were in session, they placed sentinels at every door to prevent egress, and then served upon both bodies a written demand for the redress of their grievances, threatening military violence in case their wrongs were not righted in the brief space of twenty minutes. For several hours Congress and the executive council found themselves at the mercy of an armed and undisciplined soldiery. In this extremity, fearing that the State of Pennsylvania could not furnish adequate protection, Congress called for regular troops, and, abandoning the capital, adjourned to meet at Princeton.

On the receipt of a despatch from the President of Congress, Washington sent General Howe with 1,500 Continentals to the scene of disturbance, but before the troops could arrive the mutiny was happily quelled without bloodshed.

Several of the mutineers were tried by court-martial, four received corporal punishment, and two were even sentenced to death, though pardoned later.

The views which Washington entertained of this mutiny and his reflections on the character of raw and of veteran troops are given in his reply of June 24 to the President of Congress:

> While I suffer the most poignant distress, in observing that a handful of men, contemptible in numbers, and equally so in point of service (if the veteran troops from the southward have not been reduced by their example), and who are not worthy to be called soldiers, should disgrace themselves and their country as the Pennsylvania mutineers have done, by insulting the sovereign authority of the United States and that of their own, I feel an inexpressible satisfaction that even this behavior cannot stain the name of the American soldiery. It can not be imputable to or reflect dishonor upon the army at large; but on the contrary, it will, by the striking contrast it exhibits, hold up to public view the other troops in the most advantageous point of light. Upon taking all the circumstances into consideration, I can not sufficiently express my surprise and indignation at the arrogance, the folly, and the wickedness of the mutineers; nor can I sufficiently admire the fidelity, the bravery, and the patriotism which must forever signalize the unsullied character of the other corps of our army. For, when we consider that these Pennsylvania levies, who have now mutinied, are recruits and soldiers of a day, who have not borne the heat and burden of the war, and who can have in reality very few hardships to complain of; and when we at the same time recollect that those soldiers who have lately been furloughed from this army are the veterans who have patiently endured hunger, nakedness, and cold; who have suffered and bled without a murmur, and who with perfect good order have retired to their homes without a settlement of their accounts, or a farthing of money in their pockets, we shall be as much astonished at the virtues of the latter as we are struck with horror and detestation at the proceedings of the former; and every candid mind, without indulging ill-grounded prejudices, will undoubtedly make the proper discrimination.[a]

DISBANDMENT OF THE ARMY.

On the 2d of November, at Princeton, Washington issued his farewell address, and on the following day the army was disbanded, with

[a] Sparks's Writings of Washington, vol. 8, pp. 455, 456.

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the exception of one regiment of infantry and two battalions of artillery, retained under the command of General Knox, for the defense of the Highlands. On the 17th of November the British evacuated New York, and on the 22d of December, at Annapolis, Washington resigned his commission to Congress.

PENSIONS.

From the ill-judged economy which contributed so largely during the whole war to deprive our commanders of adequate armies, we may turn with pleasure to the generosity which our Government has ever displayed toward those who have risked their lives in the national defense. The liberality of the Government in the matter of pensions has not been confined to the brave men who have been maimed in battle, or whose health has been ruined by disease, it has been justly extended to the widows and orphans of soldiers who, from whatever cause, have perished that their country might live. In proportion, too, as wars have receded, public opinion has justified Congress in the extension of pensions, until thousands of men have been added to the rolls who never saw an enemy, and whose terms of service may not have exceeded two weeks. So just, however, is the principle of pensions, and so strong in the popular mind is the determination to reward the citizen soldier, that since the early days of the Republic, but one Senator or Representative in Congress has ventured to make the slightest opposition to this important and most commendable feature of our military policy.

The statesman therefore who would relieve us from the burdens of taxation, as well as the philanthropist who would save the health, the lives, and the limbs of our people, must turn from the list of deserving pensioners to the cause, and seek by judicious and humane legislation to set on foot a military system which by lessening the demand for men, will, with equal certainty, economize both life and treasure.

The statistics of the Revolution already quoted, show that our extravagance called out from first to last more than 395,000 men, all of whom, under our pension system, had a claim upon the gratitude of the nation. The greatest number of troops that Congress was able to raise during any one year of the war (1776) was 89,600 men, of whom 42,700 were militia.

The largest force, Continental and militia, that Washington could lead to battle at any one time was less than seventeen thousand, while at the battles of Trenton and Princeton, during the time of our greatest peril, his effective strength was less than four thousand.

If we now turn from the reports of the small armies in the field to the report of the Commissioner of Pensions it will be found that a feeble military policy gave us an army of pensioners numbering 95,753, of whom 39,287 were widows.

Unlike the dissolving armies in the field, the pension rolls for 1875 show that ninety-two years after the close of the war the army of the Revolutionary pensioners was still represented by 379 widows. The last Revolutionary soldier expired in 1869, eighty-six years after the close of the struggle.

The total amount paid to Revolutionary pensioners up to June 30, 1876, for periods of service of six months and over was $46,177,845.44.

To widows of soldiers who served six months the total amount paid to June 30, 1876, was $19,668,795.70.

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If to these figures be added $15,000,000, the approximate amount paid to invalids disabled in the Revolution, the total of pensions in round numbers amounts to $80,000,000,[a] a sum equal to five-twelfths of the two hundred million of irredeemable currency issued by Congress, and equal to nearly one-half the debts recognized by Congress and the States at the close of the war.

EXPENSE OF THE WAR.

Exclusive of bounties paid by individuals, towns, and counties, and of provisions seized by impressment for the use of the Army, the debt of Congress and of the States, at the close of the war, amounted to $170,000,000. If to this sum be added the two hundred millions of currency, for the redemption of which the faith of the Continental Congress and the Confederation was twice solemnly pledged, the debt actually incurred by the war amounted to $370,000,000.[b]

Small as this sum may appear when compared with the Rebellion war debt of three thousand millions, investigation will show that the indebtedness of the Revolution was greater in proportion to population.

Assuming three millions as the total number of our people at the beginning of the Revolution, the whole cost of this war to each man, woman, and child, was $123, while, upon the basis of a population of 31,000,000 in 1861, the total cost per capita of the War of the Rebellion was but $96.[c]

Both of these wars were waged upon the same extravagant system, and so long as we blindly adhere to it similar pecuniary sacrifices are sure to follow in the train of every great military contest of the future.

LESSONS OF THE REVOLUTION.

The lessons to be drawn from the Revolution are:

First. That nearly all of the dangers which threatened the cause of independence may be traced to the total inexperience of our statesmen in regard to military affairs, which led to vital mistakes in army legislation.

Second. That for waging either an offensive or a defensive war a confederation is the weakest of all forms of government.

Third. That in proportion as the general government gives the States authority to arm and equip troops, it lessens the military strength of the whole people and correspondingly increases the national expenditures.

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[a] The foregoing figures were furnished by Mr. T. A. Bentley, Commissioner of Pensions.

[b] The war of the Revolution left unpaid a national debt of near $360,000,000; whereas not long after the war of 1812, a debt of $123,000,000 was paid. (Ingersoll's Second War, vol. 1, p. 14).

The same writer, page 58, in speaking of the payment of the war debt of 1812, states, "Within twenty-three years afterwards, the whole debt of the United States was extinguished, with partial atonement of the nonpayment of that of the Revolution, by an expensive pension system, somewhat requiting the soldiers of the Revolution, defrauded of their pay by Continental or paper money and national insolvency."

[c] On the same bases of population, the annual expense per capita of the Revolutionary war was $17, and that of the rebellion $24, this larger sum being due to the shorter duration of the contest.

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Fourth. That the war resources of a nation can only be called forth and energetically directed by one general government to which the people owe a paramount allegiance.

Fifth. Admitting the poverty of the colonies, their want of credit, their inability to provide proper clothing, food, arms, ammunition, and other supplies for the Army; also the possibilities of a confederation which might deprive Congress of the power to enforce its requisitions—all of these considerations, instead of being accepted as reasons for adopting a feeble military policy, called for wise legislation looking to a vigorous prosecution of the war with the least expense in men and money.

Sixth. No matter what reasons may be given for the adoption of an unwise military policy, that these are powerless to diminish or modify the disastrous effects which inevitably follow.

Seventh. That when a nation attempts to combat disciplined troops with raw levies, it must maintain an army of at least twice the size of that of the enemy, and even then have no guarantee of success.

Eighth. That neither voluntary enlistments based on patriotism, nor the bounty, can be relied upon to supply men for the army during a prolonged war.

Ninth. That the draft, connected or not connected with voluntary enlistments and bounties, is the only sure reliance of a government in time of war.

Tenth. That short enlistments are destructive to discipline, constantly expose an army to disaster, and inevitably prolong war with all its attendant dangers and expenses.

Eleventh. That short enlistments at the beginning of a war tend to disgust men with the service, and force the government to resort either to bounties or the draft.

Twelfth. That regular troops, engaged for the war, are the only safe reliance of a government, and are in every point of view the best and most economical.

Thirteenth. That when a nation at war relies upon a system of regulars and volunteers, or regulars and militia, the men, in the absence of compulsion, or very strong inducements, will invariably enlist in the organizations most lax in discipline.

Fourteenth. That troops become reliable only in proportion as they are disciplined; that discipline is the fruit of long training, and cannot be attained without the existence of a good corps of officers.

Fifteenth. That the insufficiency of numbers to counterbalance a lack of discipline should convince us that our true policy, both in peace and war, as Washington puts it, "Ought to be to have a good army rather than a large one."

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CHAPTER VIII.

THE MILITARY POLICY OF THE UNITED STATES FROM THE REVOLUTION TILL THE WAR OF 1812.

Washington's solicitude in regard to our military policy did not end with the Revolutionary struggle. In taking leave of the governors of the States before resigning his commission, he wrote with a wisdom no less becoming the soldier than the statesman:

> There are four things, which I humbly conceive, are essential to the well-being, I may even venture to say, to the existence of the United States, as an independent power.
>
> First. An indissoluble union of the States under one federal head;
>
> Second. A sacred regard to public justice;
>
> Third. The adoption of a proper peace establishment; and,
>
> Fourth. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies; to make those mutual concessions which are requisite to the general prosperity; and in some instances, to sacrifice their individual advantages to the interest of the community.
>
> * * * * * * *

In amplification of his views as to a proper peace establishment, he continues:

> It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defense of the Republic; as there can be little doubt that Congress will recommend a proper peace establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility. It is essential, therefore that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accouterments, and military apparatus, should be introduced in every part of the United States. No one, who has not learned it from experience, can conceive the difficulty, expense, and confusion, which result from a contrary system, or the vague arrangements which have hitherto prevailed. * * *

Despite this advice, the moment independence was established, all the States hastened to resume nearly every attribute of sovereignty. So unmindful were they of the common welfare, that every measure looking to the discharge of the national debt was resisted, and remonstrance was necessary to induce them to send enough delegates to Congress to constitute a quorum for business.

The finances of the nation being completely exhausted, Congress on the 2d of June, 1784, resolved—

> That the commanding officer be, and he is hereby, directed to discharge the troops now in the service of the United States, except twenty-five privates to guard the stores

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at Fort Pitt and fifty-five to guard the stores at West Point, and other magazines, with a proportionate number of officers; no officer to remain in service above the rank of captain, and those privates to be retained who were enlisted on the best terms: *Provided*, That Congress before its recess shall not take other measures respecting the disposition of those troops.

This law disbanded all that remained of the Continental Army, save one battery of artillery at West Point, which was raised by Alexander Hamilton in New York in 1776, and which is now in the regular service as Battery F of the Fourth Regiment of Artillery. As the express purpose of retaining these 80 soldiers was to guard the public stores, the resolution was equivalent to a declaration that our infant republic would begin its career by entirely dispensing with a regular army.

On the following day, wholly ignoring the disasters occasioned by the employment of raw levies during the Revolution, Congress adopted the following preamble and resolution:

Whereas a body of troops to consist of 700 noncommissioned officers and privates, properly officered, are immediately and indispensably necessary for securing and protecting the northwestern frontiers of the United States, and their Indian friends and allies, and for garrisoning the posts soon to be evacuated by the troops of his Britannic Majesty:

Resolved, That it be and it is hereby recommended to the States hereafter named, and as most conveniently situated, to furnish forthwith from their militia, 700 men, to serve for twelve months, unless sooner discharged, in the following proportions: Connecticut, 165; New York, 165; New Jersey, 110; Pennsylvania, 260; making in the whole 700.

Resolved, That the Secretary of War take order for forming the said troops when assembled into one regiment to consist of eight companies of infantry and two of artillery, arming and equipping them in a soldier-like manner.

The officers of this mixed regiment of infantry and artillery, composed of militia from different States, consisted of 1 lieutenant-colonel from Pennsylvania, commandant; 2 majors, one from New York and one from Connecticut, commandants of companies; 8 captains, 10 lieutenants, one as adjutant; 10 ensigns, 1 chaplain, 1 surgeon, and 4 mates.

It did not take long to convince Congress that a certain number of regular troops was indispensable. On the 1st of April, 1785, it resolved—

That it is necessary that a body of troops consisting of 700 noncommissioned officers and privates be raised for the term of three years, unless sooner discharged, for the protection of the Northwestern frontiers, to defend the settlers on the land belonging to the United States from the depredations of the Indians and to prevent unwarrantable intrusion thereon, and for guarding the public stores.

A few days later, on the 7th and 12th of April, this important measure was supplemented by further legislation, designating the States which were to furnish the recruits and defining the organization of the new regular regiment.[a] This was identical with that of the militia regiment of the previous year, except that there was no chaplain and that a lieutenant was to act as quartermaster and another lieutenant as paymaster.

With a view, no doubt, to induce the officers and men of the militia then in the United States service to join the new regiment, the recruits were to come from the same States which had supplied the militia contingents and similar proportions.

[a] In various reorganizations of the Army this regiment has been retained and is now in the service as the Third U. S. Infantry.

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The pay and allowances of this mixed regiment of infantry and artillery were as follows:

Rank.	Per month.
Lieutenant-colonel commandant	$50.00
Major	45.00
Captain	35.00
Lieutenant	26.00
Ensign	20.00
Surgeon	45.00
Mate	30.00
Sergeants	6.00
Corporals	5.00
Musicians	5.00
Privates	4.00

SUBSISTENCE.

Lieutenant-colonel commandant	
Major	$20.00
Captain	12.00
Lieutenant	8.00
Ensign	8.00
Surgeon	16.00
Mate	8.00

FORAGE.

Field officers	$12.00
Surgeon	6.00
Regimental staff	6.00

The adjutant, quartermaster, and paymaster each received $10 extra pay per month.

At the time this force was reorganized the population of the United States was about 3,500,000.

On the 20th of October, 1786, Congress voted—

That the number of 1,340 noncommissioned officers and privates be raised for the term of three years unless sooner discharged, and that they, together with the troops now in service, be formed into a "legionary corps" to consist of 2,040 noncommissioned officers and privates. That the additional troops be raised by the following States in the following proportions, viz:

Infantry and artillery:	
New Hampshire	260
Massachusetts	660
Rhode Island	120
Connecticut	180
Cavalry:	
Maryland	60
Virginia	60

That the Secretary of War inform the executive authorities of the respective States in which the troops are to be raised, the number and rank of commissioned officers to be furnished by each State in proportion to the men.

That the pay and allowances of the troops to be raised by this resolve be the same as act of Congress of the 12th of April, 1785.

Congress requested the States to "use their utmost efforts to raise the quotas of troops respectively assigned them with all possible expedition."

It does not appear that any of these troops were raised save two companies of artillery.

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SHAY'S REBELLION.

Scarcely had the little army just created by Congress been absorbed on the frontiers, when an event took place which showed that foreign foes and hostile Indians were not the only dangers to be provided against. In December, 1786, nearly 1,000 malcontents assembled at Worcester, Mass., and forced the supreme court of that State to adjourn, so as to prevent the collection of debts.

Clamorous for paper money and determined to resist taxation under the State laws, the insurgents, now 2,000 strong, moved against Springfield Arsenal, led by Daniel Shay and other former officers and soldiers of the Revolution. They would have taken the place but for the resolution of its commander, General Shepherd, who opened fire with his artillery and dispersed his assailants, killing three and wounding one.

The present exposed condition of all our great arsenals finds its condemnation in the history of this brief rebellion. The situation of the Government at its outbreak was one of utter helplessness. Through the States only was it able to procure troops, and these could only be supported by the levying of State taxes, which the insurgents were in arms to resist.

Unable to look to Congress for support, the governor of Massachusetts called out 4,000 militia under General Lincoln, who soon restored order. In view of the exhausted condition of the State treasury, the merchants of Boston advanced the necessary funds to defray the expenses of these troops. The term of service, as in the Revolution, was fixed at thirty days.

Apropos of this rebellion, which found strong sympathizers throughout all of the New England States, John Adams, second President of the Republic, expressed himself as follows:

> National defense is one of the cardinal duties of a statesman. On this head I recollect nothing with which to reproach myself. The subject has always been near my heart. The delightful imaginations of universal and perpetual peace have often amused, but have never been credited by me.

REORGANIZATION OF 1787.

"In order to save the great expense of transporting new levies to the distant frontiers," and also "to avail the public of the discipline and knowledge of the country" acquired by the 700 troops raised in 1785, Congress, on the 3d of October, in the hope of inducing the men to reenlist, resolved—

> That seven hundred noncommissioned officers and privates be raised for the term of three years, unless sooner discharged.

The troops and officers were furnished as in the previous establishment on the basis of 260 enlisted men from Pennsylvania, 165 from Connecticut, 165 from New York, and 110 from New Jersey.

These troops and the two companies of artillery raised by the resolution of October 20, 1786, were organized into one regiment of infantry of eight companies and one battalion of artillery of four companies.

The strength of the companies was the same in the infantry and the artillery, each consisting of 4 sergeants, 4 corporals, 2 musicians, and 60 privates.

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Although the appointment of officers by the States, as was customary during the Revolution, proved an unfailing source of irritation and discord, still the enlistment of the men for three years in the establishments of 1785 and 1787, and the separation in the latter organization of the infantry from the artillery, were decided improvements in military organization.

THE CONSTITUTION.

The weak, inefficient, and chaotic administration of both civil and military affairs under the Confederation gradually brought about the conviction that some change was indispensable.

In deference to public opinion, Congress recommended that a convention of delegates from the several States should revise and modify the Articles of Confederation.

In May, 1787, the convention met in Philadelphia, and after a session of four months submitted our existing Constitution, which was ratified by conventions specially chosen by the people of each State, and became within a year the supreme and organic law of the land.

The preamble sets forth, among other reasons, that the Constitution was ordained and established to "insure domestic tranquillity" and "provide for the common defense." Such portions of the instrument as have a direct bearing upon military affairs are here quoted entire.

ARTICLE I.

Section 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 4.

* * * * * * *

2. The Congress shall assemble at least in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 7.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law.

* * * * * * *

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

* * * * * * *

Section 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

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2. To borrow money on the credit of the United States.

* * * * * * *

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

* * * * * * *

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

* * * * * * *

11. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

* * * * * * *

17. To make all laws which shall be necessary and proper for carrying into execution the following powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Section 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; * * *

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually involved, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1.

1. The executive power shall be vested in a President of the United States of America.

* * * * * * *

Section 2.

1. The President shall be Commander in Chief of the Army and Navy of the United States, and the militia of the several States when called into the actual service of the United States.

* * * * * * *

Section 3.

1. He shall, from time to time, give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

* * * * * * *

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ARTICLE IV.

Section 4.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

* * * * * * *

ARTICLE VI.

* * * * * * *

2. This Constitution, and By-Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land.

* * * * * * *

We have only to compare the war powers of Congress under the Confederation and under the Constitution to perceive that the ratification of the last-named instrument meant a radical change in our form of government. Acts of Congress having the effect and force of law now took the place of resolutions which amounted to but little more than recommendations and appeals to the several States.

Up to this time Congress could justly claim that its feeble and exhausting military policy was largely due to the inadequate powers conferred by the Articles of Confederation. Under the Constitution however, the authority "to raise and support armies," "to provide and maintain a navy," "to levy and collect taxes," and "to borrow money on the credit of the United States" was unqualified and gave every war power that the most despotic ruler could ask.

Henceforth there could be no division of responsibility between the General Government and the States. If disasters should happen in the future like those which twice forced the Continental Congress to hand over its authority to a military commander; if raw levies hereafter should be swept away as they were at Long Island and at Camden, and large portions of our territory given over to the ravages of war; if vast armies and prodigal counties again should deplete the national Treasury, the whole responsibility must lie at the doors of a President and a Congress clothed with unlimited power to meet every emergency.

Our liberties and independence, our country's honor and credit were thus all committed to one General Government, it being fully expected by a generous and confiding people that each representative in the discharge of this sacred trust should regard the national defense as "one of the cardinal duties of a statesman."

As the first step toward enabling our rulers to wisely and humanely organize and direct the military powers of the people, every cause that has tended in the past to prolong our wars, destroy the lives of our citizens, and waste our treasure, should receive in justice to all, the most attentive and painstaking scrutiny.

ORGANIZATION OF THE WAR DEPARTMENT.

The adoption of the Constitution soon led to changes in our military system. The first important act was approved August 7, 1789, and provided—

That there shall be an Executive Department to be denominated the Department of War; and that there shall be a principal officer therein, to be called the Secretary

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for the Department of War, who shall perform and execute such duties as shall, from time to time, be enjoined on or entrusted to him by the President of the United States, agreeable to the Constitution, relative to military commissions, or to the land or naval forces, ships or warlike stores, of the United States. * * * And furthermore, that the said principal officer shall conduct the business of the said Department in such manner as the President of the United States shall, from time to time, order or instruct.

SEC. 2. That there shall be in the said Department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the said Department. * * *

The effect of this law was to make the Secretary of War, in the discharge of his duties, responsible to the President instead of to Congress.

PEACE ESTABLISHMENT OF 1789.

The act of September 29, 1789, laid the foundation of our existing Army by recognizing "the establishment for the troops in the service of the United States," and requiring all officers and men to take the oath of allegiance. The only change made was in the method of appointing officers, this power being vested for the first time in the President of the United States. Under this act the Army was commanded by Lieutenant-Colonel Harmar, of the infantry, the staff consisting of a paymaster-general, an acting adjutant-general, and an acting quartermaster-general.

To protect the frontiers from the Indians, the fifth section of the law authorized the President to call into service such part of the militia as he might judge necessary, the militia to have the same pay and subsistence, when in service, as troops of the regular establishment. In this section we have the key to our whole subsequent military policy in regard to Indian hostilities.

As the Continental troops during the Revolution were never maintained in sufficient strength, it was necessary to fall back on the militia to meet current emergencies, and when Indian wars had to be dealt with after the Revolution the same system was continued as involving the least expense. Thus, as events soon proved, a shortsighted and mistaken economy was to jeopardize the lives and property of our hardy settlers on the frontier.

REORGANIZATION OF 1790.

The first general organization of the Army under the Constitution was pursuant to the act of April 30, 1790,[a] the first section of which fixed the strength of the noncommissioned officers and privates at 1,216, enlisted for the term of three years unless sooner discharged. The term of the officers was the same as for the men.

The infantry of this force was organized into a regiment of 3 bat talions, of 4 companies each.

The field and staff consisted of 1 lieutenant-colonel, 3 majors, 3 adjutants, 3 quartermasters, 1 paymaster, 1 surgeon, and 2 surgeon's mates.

[a] The dates of all acts refer to the time of their approval by the President.

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Each company was composed of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, and 66 privates.

Total company, 79; total battalion, 320; total regiment, 962.

The artillery consisted of a battalion of 4 companies, with the following field and staff: One major, 1 adjutant, 1 quartermaster, 1 paymaster, and 1 surgeon's mate.

Each company was composed of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 2 musicians, and 66 privates.

Total company, 79; total battalion, 321; aggregate infantry and artillery, 1,283.

No provision was made for a General Staff, except that the President in his discretion could appoint one or two inspectors, who were to receive the pay of captains, with an allowance of $10 per month for forage.

The pay of the Army was as follows:

Rank.	Pay per month.
Lieutenant-colonel commandant	$60.00
Major commandant of artillery	45.00
Majors	40.00
Captains	35.00
Lieutenants	22.00
Ensigns	18.00
Surgeons	30.00
Surgeon's mates	24.00
Sergeants	5.00
Corporals	4.00
Privates	3.00
Service musicians	5.00
Musicians	3.00

Monthly deductions from the pay of enlisted men on account of clothing and hospital stores were made as follows:

Rank.	Clothing.	Hospital stores.
Sergeant	$1.40	$0.10
Corporal	1.15	.10
Private and musician	.90	.10

Lieutenants doing duty as adjutants received an extra allowance of $10 per month; quartermasters and paymasters, all of whom were to be appointed from the line, received $5 extra per month.

All officers were granted either actual rations or their equivalent in money computed at contract rates, as follows:

Rank.	Number of rations.
Lieutenant-colonel commandant	6
Major	4
Captain	3
Lieutenant	2
Ensign	2
Surgeon	3
Surgeon's mate	2

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Mounted officers were allowed forage or a pecuniary commutation at the rate of—

Rank.	Per month.
Lieutenant-colonel	$12.00
Majors and surgeons	10.00
Surgeon's mates	6.00

The inadequacy of this small force was recognized in the last section of the law, which authorized the President to call out the militia of the States to aid in the defense of the frontiers against the Indians.

A feature of this law worthy of notice is the division of the regiment of infantry into three battalions, showing that nearly a century ago we had the same organization, the depot excepted, that now prevails in Europe. Going still further back, early in the Revolution, Hazen's regiment, recruited at large, consisted of four battalions. Such an organization, with the depot battalion as a link between the troops in the field and the people at home, has shown itself best suited to meet the demands of a long war.

HARMAR'S MIAMI EXPEDITION.

Harmar's expedition against the Miamis afforded the first test of our new policy in regard to Indian hostilities. His force consisted of 320 regulars and 1,133 militia, though but 60 regulars and 340 militia took part in the disastrous attack upon the Indian village[a] October 22, 1790, their loss being 183 killed and 31 wounded.

We learn from the evidence laid before the court of inquiry which investigated General Harmar's conduct that "amongst the militia were a great many hardly able to bear arms, such as old, infirm men, and young boys; they were not such as might be expected from a frontier, viz, the smart, active woodsman, well accustomed to arms, eager and alert to avenge the injuries done them and their connections;" also that many of the militia were "substitutes."

This evidence further shows that in the attack on the village the militia behaved badly, disobeyed orders, and left the regular troops to be sacrificed. As a consequence, the expedition returned to Fort Washington (Cincinnati). After weighing the testimony and making full inquiry as to the facts, the court found—

that the conduct of the said Brig. Gen. Joseph Harmar merits high approbation.

The story of this expedition must convince us that the characteristic features of our Revolutionary military policy were in no wise dependent upon the magnitude of the operations involved. Whether from indifference or inability to appreciate the value of discipline and instruction, we have never yet been able to utilize the principle of expansion now so successfully applied in military organization by other civilized nations.

Under the law of April, 1790, the President could not add a single soldier to the Regular Army, while his authority to call out raw troops perhaps largely composed of "old, infirm men, and young boys,"

[a] Situated near the site of the present city of Fort Wayne, Indiana.

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with officers to match, was solely limited by his discretion. At this very time, by increasing the enlisted strength of each company from 76 to 200, the three-battalion regiment of infantry and the battalion of artillery were capable of expansion to more than 3,200 men. Instead of being able to adopt this simple and economical expedient, the President had no other alternative than to call out militia, the records of the court of inquiry bearing eloquent testimony as to the result.

ORGANIZATION OF 1791.

The insufficiency of our small military force having been painfully shown by the Miami expedition, Congress, on the 3d of March, 1791, added another regiment for a term of three years, with the pay and organization of the one already in service, its enlisted men being limited to 912.

By the fourth section of the law, men enlisted for the new regiment were given a bounty of $6, and by way of equalization, its inevitable concomitant, the same allowance was granted to all enlisted men of the previous establishment.

The fifth section authorized the President to appoint, for such time as he might deem necessary, 1 major-general, 1 brigadier-general, 1 quartermaster, and 1 chaplain.

The major-general was authorized to choose his aid-de-camp and the brigadier-general his brigade-major (adjutant-general) from the captains or subalterns of the line.

The monthly pay and allowances of the Army in these early days of the Republic were as follows:

Rank.	Pay.	Forage.	Number of rations (or commutation).
Major-general	$125.00	$20.00	15
Brigadier-general	94.00	16.00	12
Quartermaster, same as lieutenant-colonel commandant	60.00	12.00	6
Brigade major aid-de-camp, same as a major	40.00	10.00	4
Chaplains	[a] 50.00	.....	.....

[a] Including pay, rations, and forage.

The seventh section authorized the President, in his discretion, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms, and provisions. The pay and allowance of these troops were to be at the discretion of the President, which left the door open for extravagant expenditure.

The eighth and ninth sections were as follows:

SEC. 8. That if the President should be of opinion that it will be conducive to the public service to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia which, in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months (to be discharged sooner if the public service will permit), a corps not exceeding two thousand noncommissioned officers, privates, and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President that the regiment directed to be raised by the aforesaid act, and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency by raising such farther number of levies or by calling into the service of the United States such a body of militia as shall be equal thereto.

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SEC. 9. That the President be, and he hereby is, empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

* * * * * * *

Section 12 gave $3 bounty to each enlisted man of the "levies," and section 14 gave recruiting officers $2 for each man enlisted in the regulars.

During the Revolution the regular troops or Continentals, were largely supplemented by militia, and it will be remembered that the latter, having little or no respect for officers of their own choosing, would not submit to the restraints of discipline, and never could be depended upon.

This fact was distinctly recognized in the law just quoted, which took the radical step, far in advance of our Revolutionary war policy, of creating an entirely new class of troops to support the regular army in case of emergency.

The above legislation merits our closest scrutiny. Here was laid the foundation of the volunteer system, which attained its fullest development during our long civil war. The "levies," known later as "volunteers," were authorized under the plenary power of Congress to "raise and support armies," and the power of appointing their officers was given the President, to whom it obviously belonged, as the "levies" were wholly distinct from the militia or State troops.

The subsequent transfer of this power from the President to the governors of the States was a voluntary return to the practice under the Confederation and a surrender of the prerogatives of the General Government under the Constitution.

ST. CLAIR'S DEFEAT.

The great lessons of the Revolution, as well as those taught by the recent Miami expedition, were wasted upon the Government. A year after Harmar's defeat General St. Clair was sent against the Indians with another mixed force of regulars and militia. His little army, counting but 1,400 effectives, was attacked on the 4th of November, 1791, by a nearly equal force of Indians, and routed, with a loss of 632 killed and 264 wounded.

The committee of the House of Representatives appointed to investigate this disaster reported that "the militia appear to have been composed principally of *substitutes* and totally ungovernable and regardless of military duty and subordination;" and that "the attack was unexpected, the troops having just been dismissed from morning parade. It commenced upon the militia, who were in advance of the main army, and who fled through the main army without firing a gun. This circumstance threw the troops into some disorder, from which it appears they never recovered during the action." In the opinion of the committee, "the want of discipline and experience of the troops" was one of the main causes of the defeat.

The report concludes as follows:

The committee conceive it but justice to the Commander in Chief to say that, in their opinion, the failure of the late expedition can in no respect be imputed to his conduct, either at any time before or during the action.

It is indisputable that the policy adopted by Congress of depending upon raw troops caused the needless sacrifice of 632 lives, and the

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reader should note that this number exceeded the total killed in the battles of Long Island and Camden, the two most sanguinary contests of the Revolution.

The strength and organization of the army authorized by Congress on the 3d of March, eight months before the massacre, was as follows:

Major-general	1
Brigadier-general	1
Inspectors	2
Quartermaster	1
Chaplain	1

LINE.

Arm.	Regiments.	Battalions.	Companies.	Officers.	Men.	Aggregate.
Infantry	2	6	24	100	1,824	1,924
Artillery		1	4	17	304	321

Had the President been empowered to increase the 28 companies from 76 to 150 men the enlisted strength of the Army could have been raised from 2,128 to 4,200. Far from permitting this, the law itself almost discouraged a quick recruitment of the new regular regiment, by authorizing the enrollment of levies or militia to make up for deficiencies in its effective strength.

ORGANIZATION OF 1792.

St. Clair's defeat was followed on the 5th of March, 1792, by an act "making further and more effectual provision for the protection of the frontiers of the United States."

By the terms of this act the battalion of artillery and the two regiments of infantry, then in service, were to be filled up to the maximum fixed for the enlisted men of each infantry regiment, not to exceed 960.

Three additional regiments of infantry were likewise authorized to be raised for a period not exceeding three years, two of which, each of 960 men, were to be organized like the two existing regiments, while the third was to consist of two battalions of infantry, and a squadron of light dragoons, the enlisted men of each battalion and of the squadron to number 320.

As if anticipating that fighting on foot would be the future rôle of our cavalry, the law prescribed that "it shall be a condition in the enlistment of the said dragoons to serve as dismounted dragoons whenever they shall be ordered thereto."

The staff under this establishment was the same as that of 1791.

The line was organized as follows:

Arm.	Regiments.	Battalions.	Companies.	Officers.	Men.	Aggregate.
Infantry	4	12	48	200	3,840	4,040
Infantry and cavalry	1	[a]2	8	50	640	690
		[b]1	[c]4	16	320	336
Artillery		1	4	17	304	321

[a] Battalions. [b] Squadron. [c] Troops.

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The field and staff of each regiment and battalion of infantry and of the artillery battalion were the same as in the organization of 1790.

Each company of infantry consisted of 1 captain, 1 lieutenant, 1 ensign, 4 sergeants, 4 corporals, 2 musicians, 70 privates; total, 83.

The field and staff of the squadron of light dragoons comprised 1 major, 1 adjutant, 1 quartermaster, and 1 surgeon's mate. Each troop of cavalry consisted of 1 captain, 1 lieutenant, 1 cornet, 4 sergeants, 4 corporals, 1 farrier, 1 saddler, 1 trumpeter, and 69 dragoons; total, 83. The bounty under this act was increased to $8, and equalization was insured to all men in service who had enlisted since April, 1790.

The thirteenth section authorized the President to call into service as many cavalry, and for such periods, as he might deem requisite, appointing the officers thereof. Instead of leaving their pay and allowances to his discretion, however, as in 1791, the pay was fixed at $1 per day for each noncommissioned officer and 75 cents per day for each private, who at his own risk should find his horse, arms, and accouterments, 25 cents per day being allowed in lieu of rations and forage. The officers were likewise allowed 50 cents per day for the use and risk of their horses.

In addition to this cavalry force, the President was empowered to employ Indians at his discretion, at a total compensation not exceeding $20,000.

The pay of the army was also increased, as shown by the following table, the allowances being the same as before:

Rank.	Pay per month.
Major-general	$166.00
Brigadier-general	104.00
Quartermaster	100.00
Adjutant, to do also the duty of inspector	75.00
Chaplain	50.00
Surgeon	70.00
Deputy quartermaster	50.00
Aid-de-camp, in addition to pay in line	24.00
Brigade major, to act as deputy inspector, in addition to pay in line	24.00
Principal artificer	40.00
Second artificer	26.00
REGIMENTAL OFFICERS.	
Lieutenant-colonel commandant	$75.00
Majors of artillery and dragoons	55.00
Major of infantry	50.00
Captains	40.00
Lieutenants	26.00
Ensigns and cornets	20.00
Surgeons	45.00
Mates	30.00
Sergeant-majors and quartermaster-sergeants	7.00
Sergeants and service musicians	6.00
Corporals	5.00
Privates	3.00

The pay of enlisted men was exempt from all previous deductions. Adjutants and paymasters were given $10 per month and quartermasters $8 per month extra pay. It should be noted as a peculiar feature of this law that infantry and cavalry were united in the same regiment, as were infantry and artillery by the law of 1785.

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LEGION OF THE UNITED STATES.

Among the many experiments so rapidly succeeding each other, was a scheme for merging the infantry, cavalry, and artillery into a single body under the designation of the Legion of the United States.

The plan seems to have originated with Baron von Steuben, who, "upon a review of all the military of Europe," frankly stated that "the legion alone has not been adopted by any," yet he ventured to recommend it for reasons as follows:

1. Being a complete and little army of itself, it is ready to begin its operations on the shortest notice or slightest alarm.
2. Having all the component parts of the largest army of any possible description, it is prepared to meet every species of war that may present itself.

Despite all the experience of Europe and even of America,[a] despite all the changes in arms and tactics since the days of ancient Rome, the plan so completely captivated General Knox, the Secretary of War, that he unhesitatingly recommended its adoption both for the Army and the militia.

In regard to the latter he proposed:

All the militia of the United States shall assume the form of the Legion, which shall be the permanent establishment thereof.

The militia was to be divided into three bodies, to be designated the "advanced," "main," and "reserved" corps.

The first corps was to embrace all youths of 18, 19, and 20 years of age; the second, all men between the ages of 21 and 45; the third, all men between the ages of 46 and 60. All members of the "advanced corps" under 20 were to receive military instruction for thirty days at "annual camps of discipline," while the other young men of the corps were only required to be present during the last ten days of the encampment. After graduating in this school the members of the advanced corps were to pass into the "main corps," their instruction in the art of war being continued by "exercise and maneuvers," four days in each year.

On the 27th of December, 1792, the legional organization was adopted, and the fact communicated to Congress as follows:

The President of the United States, by virtue of the powers vested in him by law, hereby establishes the following organization of the troops of the United States: The commissioned officers hereinafter designated, together with noncommissioned officers, musicians, and privates authorized by law, amounting to 5,120, are to be denominated the Legion of the United States, which is to be divided into four sublegions.

THE LEGIONARY STAFF.

One major-general or legionary general, 2 aids-de-camp, 1 adjutant and inspector, 1 major commandant of cavalry, 1 major commandant of artillery, 1 quartermaster, 1 deputy quartermaster, 1 surgeon, 1 chaplain.

THE SUBLEGIONS.

Each sublegion to consist of the officers hereinafter named, and 1,280 noncommissioned officers, musicians, and privates, to wit:

Staff.—1 brigadier or sublegionary general, 1 aid-de-camp, 1 brigade or sublegionary major and inspector, 1 quartermaster, 1 surgeon.

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[a] The Duc de Lanzun's legion, which formed part of Rochambeau's army, consisted of infantry, cavalry, and artillery.

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One troop of dragoons.—Consisting of 1 captain, 1 lieutenant, 1 cornet, 6 sergeants, 6 corporals, 1 farrier, 1 saddler, 1 trumpeter, 65 dragoons.

One company of artillery.—To consist of 1 captain, 2 lieutenants, 4 sergeants, 4 corporals, 2 musicians, 50 privates, including 10 artificers.

Two battalions of infantry and one battalion of riflemen.—Each consisting of: 1 major, 1 adjutant, 1 quartermaster, 1 surgeon's mate, 1 sergeant-major, 1 quartermaster-sergeant, 1 senior musician.

Four companies.—Each to consist of: 1 captain, 1 lieutenant, 1 ensign, 6 sergeants, 6 corporals, 2 musicians, 81 privates.

N. B.—The rifle companies: 1 bugler and 82 privates.

1 troop of dragoons	80
1 company of artillery	60
4 companies of rifles (95 each)	380
8 companies of infantry (95 each)	760
Aggregate	1,280
	4
The Legion of the United States, noncommissioned officers and privates.	5,120

SUMMARY VIEW OF THE GENERAL, FIELD, COMMISSIONED, AND STAFF OFFICERS OF THE LEGION OF THE UNITED STATES.

General staff.—One major-general or legionary-general, 4 brigadiers general or sub-legionary-generals, 1 adjutant, 1 quartermaster, 1 deputy quartermaster, 1 surgeon, 1 chaplain.

Field.—14 majors, commissioned, 46 captains, 60 lieutenants, [a] 48 ensigns, 4 cornets.

Medical staff.—4 surgeons, 12 surgeon's mates, 6 surgeon's mates for garrison duty and extra service.

The recruiting of the Legion was so slow that up to November, 1794, it only numbered 3,692 men, of whom 2,643 participated in General Wayne's expedition against the Indians. This officer moved from Fort Washington (Cincinnati) in September, 1793, and built a fort some 80 miles to the north, on the site of the present town of Greenville, Ohio, where he went into winter quarters.

In the following June, a strong detachment marched to the scene of St. Clair's defeat, and erected Fort Recovery, which a few weeks after was unsuccessfully attacked by the Indians. Moving forward, Wayne finally engaged and routed the main body of the Indians on the 20th of August, 1794, near the rapids of the Maumee River, about 7 miles from a military post established by their British sympathizers. Though reenforced in July by some 1,100 mounted volunteers from Kentucky, he had still a large preponderance of well-disciplined regulars, and it was their charge with the bayonet that broke the Indian center and drove the savages under the guns of the English fort. This brilliant victory avenged the defeats of Harmar and St. Clair, and struck a blow which resounded along our frontier from the Lakes to the Gulf of Mexico.

ORGANIZATION OF THE MILITIA.

From the small size and temporary duration of the military establishment created by our early legislators, it is plain that their intention was to entirely dispense with a standing army. But, as time rolled on, Shay's rebellion, the constant Indian troubles, and the possibility of a conflict with foreign powers, brought about a widespread conviction that the national defense could not be neglected. After much discussion, our statesmen then turned to the militia and tried to satisfy

[a] The aids-de-camp are included in the number of commissioned officers.

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public opinion by the organic law of May 8, 1792, entitled "An act more effectually to provide for the national defense, by establishing an uniform militia throughout the United States."

The first section of this law prescribed:

That each and every free, able-bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as hereinafter excepted) shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter, be the duty of every such captain or commanding officer of a company, to enroll every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being the age of eighteen years, and under the age of forty-five years (except as before excepted), shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrollment, by a proper noncommissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or, with a good rifle, knapsack, shot pouch, and powderhorn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided, when called out to exercise or into service; except, that when called out on company days' exercise only, he may appear without a knapsack. That the commissioned officers shall, severally, be armed with a sword or hanger and spontoon; and that from and after five years from the passing of this act all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound, and every citizen so enrolled and providing himself with the arms, ammunition, and accouterments required as aforesaid, shall hold the same exempted from all suits, distress, executions, or sales for debt or for the payment of taxes.

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The second section exempted from military duty certain officers of the General Government, ferrymen, pilots, etc., in addition to those who might be exempted by the States.

The third section relates to organization, and prescribed:

That within one year after the passing of this act the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of such States shall direct; and each division, brigade, and regiment shall be numbered at the formation thereof and a record made of such numbers in the adjutant-general's office in the State; and when in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That, if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of 64 privates. That the said militia shall be officered by the respective States as follows:

To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade major, with the rank of a major; to each regiment, one lieutenant-colonel commandant;[a] and to each battalion, one major; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants; one paymaster, one surgeon, and one surgeon's mate, one sergeant-major, one drum major, and one fife major.

The fourth section required that for each division there should be at least one company of artillery, and one troop of horse, and also provided that the officers, privates, and troopers should furnish their own arms and equipments, including horses for the cavalry, the same as in the infantry.

[a] The 20th of April, 1816, a colonel was added to the field officers of each regiment of two battalions.

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A mere glance at the military edifice proposed by this law shows that its foundations were built on the sands.

During the Revolution the Government shifted upon the States the responsibility of providing men, arms, and even the daily supplies for the troops; but under the provisions of this law both Government and States went one step further, and shifted upon individual citizens the responsibility of providing their own arms, horses, and equipments. No penalty was enacted for a failure to procure such supplies, Congress having no power to enforce it, and the States were therefore left to apply such penalties by way of fines as their legislatures might see fit to impose. Even had the citizen been willing to furnish at his own cost that which it was the unmistakable duty of the Government to provide, the further execution of the law depended wholly on the voluntary and concurrent action of the States, without which a "uniform militia throughout the United States" would be impossible.

It is not necessary to discuss the military qualifications of the swarm of generals appointed by the different States, nor to dwell upon the utter lack of instruction and discipline of the rank and file of the militia, although it was upon these that the General Government would have had to depend in case of actual war.

The first section of the act, however, laid down the truly democratic doctrine that every able-bodied male citizen owed military service to his country, and likewise provided for a system of enrollment and territorial recruiting. These two features of the law were so praiseworthy and of such vital importance that all its other defects may be overlooked. Again and again the Continental Army was on the verge of dissolution because both of these principles were ignored; and to their subsequent neglect we shall be able to trace most of the weakness and waste which still characterize our wars.

Aside, however, from the military defects of the system, it is only when we examine it from the standpoint of the taxpayer that its fundamental errors become fully apparent. For one National Army were substituted thirteen or more State armies. In place of having a small but efficient force of regulars, supported by indirect taxation, the citizens of each State were called upon to pay over their hard-earned dollars to maintain undisciplined bodies of militia, totally ignorant of the first principles of the military art. Even had all the States with patriotic regard for the welfare of the whole country maintained their quotas of militia during the long intervals of peace, they would have been at the expense of a large military force for the benefit of the General Government, and that, too, without compensation except in time of war. If, on the contrary, as has since happened, certain States should fail to keep up a militia, the burden of their shortcomings would be unjustly borne by the remainder.

View it in whatever light we may, the conversion of the militia into an army of the first line, as designed by the law, was a wild and impracticable scheme. This class of our citizen soldiers will never take the place wisely reserved for them by the framers of the Constitution, until it becomes our settled policy to call them out as a last resort only, in case of actual invasion.

CORPS OF ARTILLERISTS AND ENGINEERS.

On the 9th of May, 1794, Congress authorized the enlistment of 764 noncommissioned officers and men to serve three years, who were to

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be incorporated with the four companies of artillery then forming part of the Legion of the United States, and be denominated the "Corps of Artillerists and Engineers."

The Corps was organized into 4 battalions of 4 companies each, with a lieutenant-colonel commandant, 4 majors, 1 corps and 4 battalion adjutants, 1 paymaster, 1 surgeon, and 4 surgeon's mates (assistant surgeons). Each company consisted of 1 captain, 2 lieutenants, 2 cadets, 4 sergeants, 4 corporals, 42 privates, sappers, and miners, 10 artificers to serve as privates, and 2 musicians. The strength of the Corps, exclusive of officers, was fixed at 992.

The appointment of two cadets to each company, which was a recognition of the value of professional training as a qualification for a commission, soon led to important results.

THE WHISKEY REBELLION.

In August, 1794, troubles arose in western Pennsylvania in regard to the enforcement of the revenue laws of the United States, and it was again made manifest that civil officers, unsupported by military force, are not always able to keep the peace. With the motto "Liberty and no excise," malcontents assembled in arms to the number of 7,000, and refusing to disperse, pursuant to a proclamation of the President, he was obliged to call upon the governors of New Jersey, Pennsylvania, Maryland, and Virginia for 15,000 militia, no regular troops being available. The quotas asked for were promptly furnished, except by Pennsylvania, where the militia were unreliable through sympathy with their rebellious fellow-citizens;[a] but when the governors of the States, who marched at the head of their troops, reached the scene of the troubles, the insurgents were induced to disperse without bloodshed.

In anticipation of such disturbances, and as indication of its distrust of the militia, Congress, by the act of May 2, 1792, authorizing the President "to call forth the militia to execute the laws of the Union, to suppress insurrection, and repel invasions," wisely provided that "if the militia of the State where such combination may happen shall refuse or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such number of the militia of any other State, or States, most convenient thereto, as may be necessary."

Going a step further, if there were no Regular Army, it is clear that the power of the President to execute the laws would be completely exhausted should the militia of all the States refuse to obey his call, whether from sympathy with disaffection or other cause; and should it ever be our policy to raise a revenue solely by excise duties or direct taxation, the General Government could be reduced to a state of utter helplessness and inefficiency if it depended upon the militia alone.

REORGANIZATION OF 1795–1797.

By the act of March 3, 1795, the Corps of Artillerists and Engineers and the Legion of the United States to the number of 4,800 enlisted men were continued, subject to the condition that the whole or any

[a] Pennsylvania's quota was partially replaced by a force of volunteers.

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part of the troops could be discharged by the President at such times as might be deemed expedient.

On the 30th of May, 1796, further legislation made our military establishment comprise the Corps of Artillerists and Engineers as already constituted, 2 companies of light dragoons, and 4 regiments of infantry. Under this law the infantry regiments consisted of 8 companies, with 3 field officers, and a total of 502 enlisted men. These regiments and the companies of dragoons were formed from the officers and men serving in the Legion, which as a military phenomenon now disappeared.

The General Staff, under this act, was only to continue in service until the 4th of the following March. It consisted of 1 major-general, 1 brigadier-general, 1 inspector, to do duty as adjutant-general, 1 quartermaster-general, and 1 paymaster-general.

The bounty by this act was also raised to $16 for soldiers reenlisting for five years, and to $14 for recruits enlisting for the same period.

On the 3d of March, 1797, the clause of the act of May 30, 1796, relating to the General Staff was repealed, and a new General Staff was created, consisting of 1 brigadier-general, 1 quartermaster-general, 1 paymaster-general, and 1 judge-advocate. The brigade-majors and inspectors were to be selected from the line.

INCREASE OF ENGINEERS.

Complications with England, and more particularly with France, made it highly important to fortify our seacoast, and led, on the 27th of April, 1798, to an increase of the Corps of Artillerists and Engineers, by an additional regiment of three battalions, the term of enlistment being fixed at five years.

On the 3d and 4th of May nearly $1,200,000 were appropriated for the construction of fortifications and for the purchase of arms and munitions of war.

PROVISIONAL ARMY.

These steps were followed on the 28th of May, 1798, by an act authorizing the President "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign power, or of our imminent danger of such invasion, discovered in his opinion to exist before the next session of Congress, to raise a force of 10,000 noncommissioned officers and men, to be enlisted for the period of three years."

This provisional force was to be officered by the President and organized according to his judgment into cavalry, infantry, and artillery, with the necessary number of general officers to command. In addition to the regular troops contemplated by the law, the President was empowered at any time within three years to accept any company or companies of volunteers of infantry, cavalry, or artillery, who should arm, clothe, and equip themselves and offer themselves for service. The appointment of all the officers was vested in the President, who, by a later law (June 22, 1798), was authorized, whenever he thought it expedient, to commission such field officers as might be required for organizing the volunteers into legions, regiments, or

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battalions, but these officers were not to draw pay until called into the service of the United States.

Although this army, of which Washington was appointed Commander in Chief with the rank of lieutenant-general, was never called into service, the provisions of the law show that the country proposed to rely upon regulars and volunteers, instead of upon regulars and militia, and that so far as the regulars were concerned, the mistake of short enlistments was not to be repeated.

The next law, July 16, 1798, added 2 companies to each of the 4 existing 8-company regiments and empowered the President to raise, in addition to the regular military establishment, 12 infanty regiments of 10 companies each and 6 troops of dragoons, which, with the 2 troops already in service, were to form a regiment. These troops were "to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged."

Still apprehensive of war, the act of March 2, 1799, authorized the President, in case war should break out between the United States and a foreign European power, or in case of danger of invasion, to increase the military force of the United States by 24 regiments of infantry, 1 regiment and 1 battalion of riflemen, 1 battalion of artillerists and engineers, and 3 regiments of cavalry. These additional troops were to be enlisted for a period not exceeding three years, and, except captains and lieutenants on recruiting duty, no officers were to receive pay until called into actual service.

Had this force been raised, the Regular Army would have numbered about 40,000 men. By another provision of this law the President was authorized to accept the services of 75,000 volunteers, apportioned among the several States, with power to organize them into regiments, brigades, and divisions, and to appoint all necessary officers. Coupled with this authority was the fatal provision that "the said volunteers shall not be compelled to serve out of the State in which they reside, or for longer time than three months after their arrival at the place of rendezvous."

Another section of the law, most important in its bearings on our future military policy, empowered the President to employ these volunteers in all cases in which he had authority to call out the militia, under the provisions of the act of May 2, 1792, to enable him "to execute the laws of the Union, suppress insurrections, and repel invasions."

Thus, in addition to the Regular Army, the military legislation of that period, profiting by our Revolutionary experience, had provided a body of national volunteers, officered by the President, to take the place of the State militia troops. Had this organization come down to the beginning of the late war,[a] or even had the companies only been raised by the State authorities, leaving it to the President to organize them into battalions and regiments with a professional soldier at the head of each, it is more than probable that in one-half the time 300,000 men would have done the work finally accomplished by little less than 3,000,000.

A further act of Congress, approved on the following day, March 3, 1799, touched chiefly upon the organization of the force above described. It provided that each infantry regiment should consist of 10 com-

[a] The War of the Rebellion.

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panies, divided into 2 battalions; each cavalry regiment of 10 companies, divided into 5 squadrons; and each artillery regiment of 16 companies, divided into 4 battalions.

To obviate the evils of detached service, the sixth section prescribed "That when any officer shall be detached from a regiment, to serve as an aid to a general officer, or as an assistant or other inspector, or as an assistant to the Quartermaster-General, by whatsoever name, or as an assistant to the Adjutant-General, by whatsoever name, the place of such officer in his regiment shall be supplied by promotion or new appointment, or both as may be requisite; but the officer shall, nevertheless, retain his station in his regiment and shall rank and rise therein in the same manner as if he had not been detached." The military principle here enunciated finds practical application to-day in the great armies of Europe, and is of vital importance in keeping up close and intimate relations between staff and line.

Another important feature of this law was the extension of the principle of appointing cadets, already applied to the artillery and engineers, 10 of whom were now to be attached to each regiment of cavalry and infantry and 32 to each regiment of artillery.

The difficulties with France having been settled without resort to arms, such officers and men as had been added to the Army were disbanded under the act of May 14, 1800. This law made our military establishment consist of the staff, 4 regiments of infantry, 2 regiments of artillerists and engineers, and 2 troops of light dragoons, numbering 293 officers, 106 cadets, and 5,038 enlisted men; aggregate, 5,437.

The actual strength of the Army on the 19th of December, 1801, was 248 officers, 9 cadets, and 3,794 enlisted men; aggregate, 4,051.

REORGANIZATION OF 1802.

No present danger impending, the military peace establishment was reorganized and reduced by the act of March 16, 1802, which prescribed that the Army, after the 1st of January, 1803, should consist of one regiment of artillerists of 20 companies, organized in 5 battalions, and two regiments of infantry of 10 companies each.

Forty cadets were authorized to be appointed to the regiment of artillery, but none were allowed to the infantry.

The staff consisted of 1 brigadier-general; 1 aid-de-camp, taken from the captains or subalterns of the line; 1 adjutant and inspector of the Army, taken from the field officers of the line; 1 chief-paymaster, 7 paymasters, 2 assistant paymasters, taken from the line and who were further charged with clothing the troops; 3 military agents, and such number of assistant military agents as the President might deem expedient, all taken from the line, the latter being limited to one of each post; 2 surgeons, and 25 surgeon's mates.

On the 4th of February, 1805, the actual returns showed a strength of 175 officers, 12 cadets, and 2,389 men; aggregate, 2,576.

THE UNITED STATES MILITARY ACADEMY.

The most important sections of the law of 1805 were the twenty-sixth and twenty-seventh, which empowered the President to establish a corps of engineers, with a cadre of not over 20 officers and cadets,

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and provided that "the said corps, when so organized, shall be stationed at West Point, in the State of New York, and shall constitute a military academy."

Although this law was not enacted till nearly a quarter of a century after the Revolution, the founding of the United States Military Academy, at first intended for the education of but three or four engineer cadets, was the one great and lasting military benefit derived from our experience, during the long struggle for independence.

Washington, Hamilton, Knox, and Pickering, with vivid remembrance of the weakness and inefficiency of an army without trained officers, had repeatedly urged the establishment of such an institution. These recommendations gained strength during the complications with France, and Hamilton, as Inspector-General, laid before the Secretary of War a plan for a military academy.

In approbation of this plan, only three days before his death, Washington wrote as follows to Hamilton:

> The establishment of an institution of this kind on a respectable and extensive basis has ever been considered by me an object of primary importance to this country, and while I was in the chair of government I omitted no proper opportunity of recommending it in my public speeches and otherwise to the attention of the Legislature.

Not long after, Mr. McHenry, Secretary of War, recommended the founding of a military academy, and urged that "no sentiment is more just than this, that in proportion as the circumstances and policy of a people are opposed to the maintenance of a large military force, it is important that as much perfection as possible be given to that which may at any time exist." Adding further, "Are we without regular troops, we may lose the military art; are we without engineers, not a little of the money employed on fortifications will always be hazarded, if not actually thrown away."

In submitting to the House of Representatives his views as to the expense and utility of the proposed academy, Mr. McHenry wrote:

> It can not be forgotten that in our Revolutionary war it was not till after several years' practice in arms, and the extension of the periods for which our soldiers were at first enlisted, that we found them at all qualified to meet on the field of battle those to whom they were opposed. The occasional brilliant and justly celebrated acts of some of our militia during that eventful period detract nothing from this dear bought truth.
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> * * * * * * *
>
> The great man who conducted the war of our Revolution was continually compelled to conform his conduct to the circumstances growing out of the experimental lessons just mentioned. What was the secret of his conduct? Must it be told? It may, and without exciting a blush or an uneasy sensation in any of his surviving companions in arms. He had an army of men, but he had few officers or soldiers in that army.

Our national Military Academy, founded at the instance of the great men of the Revolutionary era, has grown with our growth, has kept up in our midst a thorough knowledge of the military profession, and has given us competent commanders for any force we have found it necessary to use, from the small detachment sent in pursuit of the hostile Indian, to the vast hosts marshaled under a single banner during our greatest war. Whether we have utilized as fully as we might have done, the soldierly training imparted at West Point, is a question which may be as readily answered by an appeal to the facts of history.

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MILITIA AND VOLUNTEERS.

From 1802 until 1808 all measures, whether offensive or defensive, looked to the almost exclusive use of militia and volunteers. By the law of March 3, 1803, at a time when difficulties were impending with Spain, the President was authorized to require the governors of such States as he might deem expedient "to hold in readiness to march at a moment's warning a detachment of militia not exceeding 80,000, officers included."

The second section of this law authorized the State authorities to accept as a part of the detachment called for, any corps of volunteers who would engage for a period not exceeding twelve months. The third section empowered governors of States to name the officers of volunteers, general officers being apportioned among the States at the judgment of the President. This section, which unfortunately remanded the appointments of volunteer officers to the States, became the basis of the system employed throughout the wars of Mexico and the Rebellion.

The above law was substantially reenacted on the 18th of April, 1806, to continue in force for two years, the period of service of such troops as might be called out being limited to six months.

By the act of February 24, 1807, when our relations with England had again become threatening, preference was again given to volunteers, the President being authorized to accept 30,000, formed in companies and officered by the several States. These companies were to be organized by the President into battalions, squadrons, regiments, brigades, and divisions, and were liable to be called out at any time within two years after the date of their acceptance, with an obligation to serve twelve months after reaching a designated rendezvous.

The first provision of this law was "That when any company, battalion, regiment, brigade, or division of militia already organized shall tender their voluntary service to the United States, such company, battalion, regiment, brigade, or division shall continue to be commanded by the officers holding commissions in the same at the time of such tender." More than half a century later we reaped the bitter fruit of this system at the battle of Bull Run.

By the act of March 3, 1807, the President was authorized to employ the land and naval forces of the United States in the suppression of insurrections, and to enforce the laws, in the same manner and under the same conditions as prescribed for the militia.

FURTHER PREPARATION FOR WAR WITH GREAT BRITAIN.

INCREASE OF THE REGULAR ARMY.

The probability of war still becoming greater, the Regular Army, on the 12th of April, 1808, was increased by 5 regiments of infantry, 1 regiment of riflemen, 1 regiment of light artillery, and 1 regiment of light dragoons; the men to serve for the term of five years, unless sooner discharged. The regiments of infantry, riflemen, and artillery consisted of 10 companies each; the regiment of dragoons consisted of 8 troops. The field and staff of all of the above regiments were as follows: 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant, 1 quartermaster, 1 paymaster, 1 surgeon, and 1 surgeon's mate.

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In addition to the officers, two cadets were assigned to each company and troop.

The general and staff officers allowed for this increase of the Army were: 2 brigadier-generals, each with an aid-de-camp selected from the line, 2 brigade inspectors, 2 brigade quartermasters, and not to exceed 5 hospital surgeons, and 15 sergeon's mates.

The brigade inspectors, quartermasters, and paymasters, as well as the regimental adjutants and quartermasters, were selected from the line.

To hasten the recruiting of these new regiments Congress, on the 24th of December, 1811, enacted a law granting a bounty of $16 to all recruits and soldiers who would enlist or reenlist for five years, with a provision that all soldiers, upon being honorably discharged, should receive, in addition to the bounty, three months' pay and 160 acres of land.

January 2, 1812, the President was empowered to accept, for the protection of the frontiers, 6 companies of volunteers or rangers, to be enlisted for twelve months.

January 11 the Regular troops were again increased by 10 regiments of infantry, 2 regiments of artillery, and 1 regiment of light dragoons, enlisted for the term of five years. The infantry regiments consisted of 18 companies formed in 2 battalions, with an aggregate of 1,980 enlisted men; the artillery regiments were composed of 20 companies formed in 2 battalions, with an aggregate of 1,800 enlisted men; the regiment of light dragoons consisted of 12 companies formed in 2 battalions, with an aggregate of 1,092 enlisted men. The field staff and noncommissioned staff of all of the above regiments comprised 1 colonel, 2 lieutenant-colonels, 2 majors, 2 adjutants, 1 quartermaster, 1 paymaster, 1 surgeon, 2 assistant surgeons, 2 sergeant-majors, 2 quartermaster-sergeants, and 2 service musicians.

The Army, as organized by the above law, in connection with the laws of 1802 and 1808, consisted of 17 regiments of infantry, 4 regiments of artillery, 2 regiments of dragoons, 1 regiment of rifles, and the Corps of Engineers (16 officers and 4 cadets), numbering in the aggregate, when completed, 35,603.

So long as Congress, in time of peace, shall neglect to provide for national defense, great confusion must ensue at the beginning of our wars, and no better evidence of this is needed than a recapitulation of the military legislation of this period.

The companies in the different regiments of infantry organized by the three laws numbered 64, 68, and 100 privates, respectively, while the number of companies varied from 10 to 18; the artillery regiment raised by the act of 1802 consisted of 20 companies formed in 5 battalions; the regiments raised by the act of 1811 numbered 20 companies divided into 2 battalions; the regiment of light dragoons raised by the act of 1808 was composed of 8 troops; that raised by the law of 1811 consisted of 12 companies divided into 2 battalions of 6 companies each.

Notwithstanding the bounty inducements, recruiting proceeded so slowly that the Army, which numbered, exclusive of the staff, but 2,765 in 1810, only reached in July, 1812, the aggregate of 6,686, its full complement being 35,603.

February 6, 1812, the President was empowered to accept companies of volunteers not exceeding 30,000, and to organize them into battalions, regiments, and brigades.

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February 24, he was authorized to mount the regiment of light artillery raised in 1808.

April 8, returning to the principle of short enlistments so disastrous in the Revolution, he was authorized to reduce the term of enlistment, fixed at five years by the act of 1811, to eighteen months, provided that the number of men so enlisted should not exceed 15,000.

April 10, the President was empowered to require the governors of States to hold in readiness to march at a moment's notice, a detachment of militia not exceeding 80,000 officers and men.

QUARTERMASTER'S DEPARTMENT.

The chaos which reigned in the line of the Army subsequent to the Revolution was fully equaled in the staff.

In the departments of supply no systematic organization was attempted till the 28th of March, 1812, when the Quartermaster's Department was regularly established by act of Congress and made to consist of 1 Quartermaster-General, with the rank of brigadier-general, 4 deputy quartermasters, taken in part from the line at the option of the President, and to receive additional pay, and as many assistant deputy quartermasters as the public service might require, to be selected in part from the line at the option of the President, and with additional compensation.

The eighteenth section of the act abolished the military agents and assistant military agents, who since the law of 1802 had performed the duties of the Quartermaster's Department.

The functions of the Quartermaster's Department, as laid down in the third section of the law, were—

to purchase military stores, camp equipage, and other articles required for the troops, and, generally, to procure and provide means of transport for the Army, its stores, artillery, and camp equipage.

COMMISSARY DEPARTMENT.

The fourth section created the office of Commissary-General of Purchases, and empowered the President to appoint as many deputy commissioners as the public service might require.

The law made it the duty of the Commissary-General, under the Secretary of War, "to conduct the procuring and providing of all arms, military stores, clothing, and generally all articles of supply requisite for the military service of the United States."

ORDNANCE DEPARTMENT.

This Department was not established until the 14th of May, 1812, the number of its commissioned officers being fixed as follows: One Commissary General of Ordnance, with rank of colonel of infantry, 1 Assistant Commissary General of Ordnance, with the rank of a major of infantry, 4 deputy commissaries, with the rank of captain of infantry, and at the discretion of the President, not to exceed 8 assistant deputy commissaries, with the rank of second lieutenant.

The strict subordination of the Chief of the Department to military commanders in the field, was enjoined in the sixth section of the law, which reads:

That the Commissary-General of Ordnance shall execute all orders issued by the Secretary for the Department of War in conveying all ordnance, ammunition, and

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apparatus to the respective armies, garrisons, magazines, and arsenals; and in time of war he shall execute all orders of any general officer commanding in any army or garrison for the supply of ordnance, ammunition, carriages, pontoons, forges, furnaces, or apparatus for garrison, field, or siege service, and forward the same without delay and in good condition.

INCREASE OF THE UNITED STATES MILITARY ACADEMY.

So long as our relations with England and France were such that we could safely maintain an army of less than two or three thousand men, the lack of army officers was hardly perceptible, but when war was momentarily looked for, the nation was pained to discover that after twenty-five years of independence, it was about to enter upon another great struggle with officers hardly more efficient than those who led the Continental Army at the opening of the Revolution.

As an indication that but few of our statesmen had appreciated the usefulness of a Military Academy, we may remark that up to the year 1812 only 71 cadets had graduated.

By the law of the 29th of April, increasing the Corps of Engineers, it was enacted that all of the cadets appointed in the cavalry, artillery, infantry, and riflemen might be attached as students to the Military Academy, and that the number of cadets should at no time exceed 250. The law also directed that the cadets should be arranged into companies of noncommissioned officers and privates, officered, for the purpose of military instruction, from the Corps of Engineers, and as a key to the character for efficiency and discipline which the graduates have since maintained, further prescribed that the said corps of cadets should "be trained and taught all the duties of a private, noncommissioned officer, and officer."

With such a foundation, it should not excite surprise that officers familiar with both the theory and practice of war, should have made their mark among the thousands of inexperienced and often illiterate men who owed their commissions to the favor of their subordinates.

The increase of the cadets to 250 gave vitality to the Military Academy and made it able to supply most of the officers our Army needed in time of peace. Next to the law which created the Military Academy, the act of April, 1812, was the most important in its history.

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CHAPTER IX.

CAMPAIGN OF 1812.

At the date of the declaration of war against Great Britain, June 18, 1812, the enemy's regular troops in Canada did not number 4,500 effectives,[a] while our whole standing army was only 6,744 strong,[b] notwithstanding that Congress six months before had increased, on paper, the regular establishment to 35,000 men. Powerless, therefore, to take advantage of the enemy's weakness, military legislation had to take the place of military action. On the 26th of June, the infantry regiments, with their diverse organizations under the acts of 1802, 1808, and 1811, were remodeled on the common basis of ten companies to a regiment, the number of regiments being increased to twenty-five.

The field, staff, and noncommissioned staff of each regiment consisted of 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant, 1 quartermaster, 1 paymaster, 1 surgeon, 2 surgeon's mates, 1 sergeant-major, 1 quartermaster-sergeant, and 2 principal musicians; total, 13.

Each company consisted of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 ensign, 4 sergeants, 6 corporals, 2 musicians, and 90 privates; total 106; making the total of each infantry regiment 1,073. The entire "Regular Army," including 25 regiments of infantry, 4 of artillery, 2 of dragoons, 1 of riflemen, with engineer troops and artificers, numbered 36,700 on paper.

In regard to the best organization to be given to the "volunteer" force contemplated by existing laws, the President in his message to Congress on the 30th of June stated, that—

> With a view the better to adopt to the public service the volunteer force contemplated by the act passed on the 6th day of February, I recommend to the consideration of Congress the expediency of making the requisite provision for the officers thereof being commissioned by the authority of the United States.

July 6, the law relative to the acceptance of 30,000 volunteers was so modified as to authorize the President, by and with the advice and

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[a] According to James, an English writer, this force consisted of the Eighth, Forty-ninth, and One hundredth Regiments, a small detachment of artillery, the Tenth Royal Veteran Battalion, and the Canadian, Newfoundland, and Glengary Fencibles, amounting in the whole to 4,450 men. A large portion of this force was composed of old men and invalids, fit only for garrison duty. (James' Military Occurrences between Great Britain and the United States).

In a private letter to General Dearborn, dated Washington, May 15, 1813, the Secretary of War states: "From information the most direct and respectable, I am assured that her (Great Britain's) regular force in both the Canadas has at no time, since the declaration of war, exceeded 3,000 men."

[b] These figures included the garrison of the seacoast fortifications and of the posts on the Indian frontiers, but excluded recruits for the month of May.

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consent of the Senate, to appoint all the company, field, and general officers who were to have the same pay and emoluments as officers in the Regular Army.

Although nominally called "volunteers," had this force been raised as contemplated, it would have constituted, but for the limitation of their service to twelve months, a second Regular Army. The measure, however, did not succeed, and its sole effect, like that of all similar expedients during the Revolution, was to deter enlistments in the one organization that could have been effective.

Had Congress, on the 11th of January, declared that all men owed their country military service, and decided to raise the Army immediately, by volunteering or by draft, to 35,000 men, to be held for the term of five years or during the war, it scarcely admits of a doubt that after six months' training and discipline this force could have occupied Canada and ended the war in a single campaign.

REFUSAL OF MASSACHUSETTS AND CONNECTICUT TO FURNISH MILITIA.

The wisdom of the Constitution in giving Congress the sole power of raising and supporting armies, was demonstrated at the beginning of this war by the refusal of the governors of Massachusetts and Connecticut to furnish their quotas of the 100,000 militia, authorized by the act of April 10, 1812. This force was called out to relieve the regular troops in the seacoast fortifications, so that these might be sent to the northern frontier to take part in an invasion of Canada.

The governors were thus able to paralyze for the time being the military power of their respective States, and defeat the plans of the General Government. In Massachusetts the grounds upon which this refusal was based, are clearly set forth in the following opinion of three of the members of its supreme judicial court, to whom the question was referred:

As the militia of the several States may be employed in the service of the United States, for the three specific purposes of executing the laws of the Union, of suppressing insurrection, and of repelling invasions, the opinion of the judges is requested whether the commanders in chief of the militia of the several States have a right to determine whether any of the exigencies aforesaid exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress.

It is the opinion of the undersigned that this right is vested in the commanders in chief of the militia of the several States.

The Federal Constitution provides that whenever either of these exigencies exist, the militia may be employed, pursuant to some act of Congress, in the service of the United States; but no power is given either to the President or to the Congress to determine that either of the said exigencies do in fact exist. As this power is not delegated to the United States by the Federal Constitution, nor prohibited by it to the United States, it is reserved to the States, respectively; and from the nature of the power it must be exercised by those with whom the States have, respectively, intrusted the chief command of the militia.

It is the duty of these commanders to execute this important trust agreeably to the laws of their several States without reference to the laws or officers of the United States in all cases, except those specially provided in the Federal Constitution. They must, therefore, determine when either of the special cases exist, obliging them to relinquish the execution of this trust, and to render themselves and the militia subject to the command of the President. A different constitution, giving to Congress the right to determine when these special cases exist, authorizing them to call forth the whole of the militia, and taking them from the commanders in chief of the several States, and subjecting them to the command of the President, would place all the militia, in effect, at the will of Congress, and produce a military consolidation of the States without any constitutional remedy, against the intentions of the

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people when ratifying the Constitution. Indeed, since passing the act of Congress of February 28, 1795, C. 101, vesting in the President the power of calling forth the militia when the exigencies mentioned in the Constitution shall exist, if the President has the power of determining when those exigencies exist, the militia of the several States is in effect at his command and subject to his control.

No inconvenience can reasonably be presumed to result from the construction, which vests in the commanders in chief of the militia of the several States the right of determining when the exigencies exist, obliging them to place the militia in the service of the United States.[a]

In Connecticut the governor gave substantially the same reasons for his refusal, while, in addition, both States raised the question whether, after the militia troops were ordered into the service of the United States, the President had the right to assign officers of the Army to command them.

In his annual message to Congress, President Madison commented as follows on the course taken by the governors of the two States:

The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. The correspondence which will be laid before you contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the public defense can be thus frustrated even in a state of declared war, and, of course, under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it.[b]

Passing by without discussion the political question involved in this particular case, it is only necessary to point out the fact that the opinions of the two governors as to the rights and powers of their States, would have had no practical bearing had not the Government undertaken to wage offensive warfare by the aid of the States, precisely as if the confederation was still in being. In truth, however, no other course was possible, for Congress by the act of 1792 had virtually handed over its war powers to the States, and was as completely at their mercy as during the darkest days of the Revolution.

To appreciate the gravity of this oversight, it must be borne in mind that the first section of the law of 1792 required every able-bodied white male citizen of the respective States to be enrolled in the militia by the captain or commanding officer of the company within whose district the citizen might reside.

As every citizen fit for military duty was incorporated in the militia, it is evident that Congress could not avail itself of the services of any militia organization, in opposition to the commands of the governor, without forcing its members to disobey orders. Nor could Congress accept the services of individuals, either as volunteers or regulars, without encouraging the crime of desertion, for the law made no exceptions in favor of citizens belonging to the military force of the United States.

A partial repeal of the act of 1792 was the only way in which Congress could have extricated itself from this dilemma. Such a course,

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[a] American State Papers, vol. 1, p. 324.

[b] These embarrassing questions, and the high authority by which each side of the argument was supported, remained unsettled by the proper and final decision of the tribunal that is competent to put them to rest until the case of Martin *v.* Mott, in 1827. In that case it was decided and settled by the Supreme Court of the United States that it belonged exclusively to the President to judge when the exigency arises in which he had authority under the Constitution to call forth the militia, and that his decision was conclusive upon all other persons. (Kent's Commentaries, vol. 1, p. 279.)

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however, would have amounted to a confession of the failure of that elaborate system of national defense, based upon the conversion of our people into a vast array of citizen soldiers. Nevertheless, it is clear that every political consideration demanded the abandonment of a system under which any State or States not in sympathy with the purposes of the General Government, could successfully thwart the will of the nation.

Under one particular form of government, and in a country of such vast extent, the possible lukewarmness or opposition of one or more of the States, makes it the more important that the whole war power of the nation should be wielded exclusively by the direct representatives of the States and of the people, in Congress assembled.

MILITARY OPERATIONS IN THE WEST.

In later wars, we have demonstrated so satisfactorily the powers of the American soldier, that we can now endure with more complacency the lamentable story of our weakness and failures in 1812. As soon as war was declared, the cry of "On to Canada" resounded from one end of the land to the other. Instant invasion was loudly advocated by the orators of the day, and many of our statesmen, profoundly ignorant of the preparations needed for meeting a disciplined foe, did not hesitate to insist that a small body of volunteers and militia would amply suffice for the end in view.

In July, General Hull, with a mixed force of some 300 regulars and 1,500 volunteers and militia, crossed over from Detroit to the Canadian side. Without inflicting any damage whatever, our troops withdrew, on the 8th of August, when the enemy, emboldened by their sudden retreat, crossed the river, in turn, to our territory and invested Detroit. On the 16th of August, without firing a shot, the entire garrison surrendered to the British, who numbered about 320 regulars, 400 militia, and 600 Indians.[a] We thus lost within a month the control of the whole Northwest, together with the advantages of the initiative, which passed into the hands of the British, who were joined at once by nearly all the Indians of that region.

Amid the national humiliation caused by this surrender, the popular mind sought comfort and the Administration relief in charges of treason and cowardice preferred against Hull. Although the latter charge was sustained before a court-martial, the surrender must be attributed in part to the effect produced on the mind of the commander by the knowledge that the larger portion of his force was ill-equipped, unreliable, and insubordinate.

General Hull, who was a tried hero of the Revolution and a favorite of Washington, in his appeal to the public, after he had passed the age of three score and ten, makes the following mention of the discipline of his troops:

> After the junction of the Fourth United States Regiment, which consisted of 300 effective men, with the 1,200 militia at Urbana, I commenced the march early in June from that place, a frontier town in the State of Ohio, for Detroit, the distance of more than 200 miles. After the disposition was made for the march, I was

[a] Armstrong, in his Notices of the War of 1812, p. 36, gives Hull's effective strength at 1,060, exclusive of a detachment of 600 militia and over, who, on their return, were included in the capitulation. Brock's effective strength he estimates (p. 35) at 700, which is, doubtless, exclusive of Indians. Many of the militia were disguised in regular uniforms.

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informed that part of the militia refused to obey the order. In the first place, I directed their own officers to give them positive orders to march, and informed them if they did not obey the Fourth United States Regiment would be sent to compel them. They still refused, and a part of the Fourth Regiment was marched to their station, and they obeyed.

This fact is proved by the testimony of Colonel Miller, of that regiment, and I have stated it to show, when I first took the command of these troops, the want of discipline and the mutinous spirit which prevailed, and that the authority of their officers was not sufficient to command their obedience, and that nothing but the bayonets of the Fourth Regiment could have the effect.[a]

He also states that 180 of the Ohio militia refused to cross the river at Detroit, "alleging as a reason that they were not obliged to serve outside of the United States."

The value set upon the militia by our opponents was shown by the fact that they permitted them to return to their homes, while the regulars were sent as prisoners to Montreal.

Instead of depressing our people, the disagraceful close of Hull's expedition only strengthened their determination to expel the invaders and carry the war into Canada, the first step to be taken being the punishment of the Indian tribes in Ohio, Indiana, and Illinois.

As illustrating the reckless extravagance with which hostilities were carried on, one of the expeditions, set on foot for this purpose, deserves special mention. It was commanded by General Hopkins and consisted of 4,000 Kentucky mounted militia, who reached Fort Harrison[b] on the 10th of October, whence four days later they set out for the Indian villages on the Wabash and Illinois rivers. Once on the march the ardor of these troops began to cool and insubordination quickly followed; on the fourth day a fire on the prairie was mistaken for a ruse of the enemy; on the fifth day, totally ignoring the authority of their officers, the disorderly mass abandoned their general, and, retracing their steps, dispersed to their homes.

While these movements against the Indians were going on, preparations were made for collecting another army under General William Henry Harrison for the special purpose of effacing the stain of Hull's surrender. To this end volunteers, and more especially militia, came forward with the greatest enthusiasm and offered themselves in such numbers, that it became necessary to decline the services of the larger part, who returned to their homes grievously disappointed.

The militia of Kentucky and of Tennessee assembled at Louisville and at Newport; those from Virginia, at Urbana; those of Pennsylvania, at Erie. From these several points the troops were organized into three columns with a supposed total of not less than 10,000 men. Their first destination was the Rapids of the Maumee, a point that was not reached in this year's campaign, for no sooner had the several columns moved, than hunger, nakedness, and mutiny began the work of dissolution. The left column from Kentucky, when a few days out, was only prevailed upon to remain by the personal entreaties of the general and other officers. The middle column from Urbana, after a slight engagement with the Indians, refused to obey orders for a further pursuit, and deliberately returned to their camp. This ended the autumn campaign, though Harrison was not willing to acknowledge its failure, and proposed to continue operations by means of a winter expedition which led soon after to a painful defeat.

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[a] Hull's Memoirs, pp. 34, 35.

[b] About 2 miles from the present city of Terre Haute, Ind.

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MILITARY OPERATIONS ON THE NIAGARA FRONTIER.

Our military operations along the Niagara River were as fruitless as those in the West. On the 13th of July, 1812, Gen. Stephen Van Rensselaer assumed command of the forces there assembled, mainly consisting of militia. An armistice concluded by General Dearborn, but disapproved by the Government at Washington, precluded active operations until nearly the end of August. How little, however, this armistice really interfered with General Van Rensselaer's movements may be inferred from the returns of his command, which showed an effective strength on the 1st of September of 691 men, "many of them without shoes, and all clamorous for pay."[a]

On the 12th of October his force, in the vicinity of Lewiston and Fort Niagara, consisted of 900 regulars and 2,270 militia,[b] and with this mixed mass—part iron and part clay—the regulars themselves being comparatively raw troops, he fought next day the battle of Queenstown.

General Van Rensselaer's plan was to begin the action by throwing across the river some 600 men, regulars and militia, under Col. Solomon Van Rensselaer of the militia. As there was, however, but one path leading to the water, the regulars, 225 strong, reached the boats first and crossed over alone, accompanied by Colonel Van Rensselaer. Fortunately for the detachment, this brave officer had formerly served with distinction in our Regular Army, and, though four times wounded, his coolness and skill never forsook him. Perceiving the dangerous position of his men, after their first engagement at the landing, he ordered them to charge, and a few moments afterwards their shouts of victory announced the capture of the heights.

In his narrative of the battle, entitled "The Affair of Queenstown," Colonel Van Rensselaer says of this charge:

> Having thus accomplished the work with 225 men for which 640 had been detailed, nothing further was necessary for the full attainment of the objects of the enterprise than to secure the advantages gained.[c]

The importance of dislodging these troops at once engaged the attention of General Brock, the British commander, who fell mortally wounded while leading an unsuccessful assault. In the meantime, most of the militia detachment which was to have taken part in the movement, as well as the remainder of the regulars, had crossed the Niagara and reached the heights. The rest of the militia on our side of the river, although ordered and implored by their commander, absolutely refused to cross over, under the plea that according to the Constitution of the United States they could only be called out to resist an "invasion." After having stormed and captured the enemy's batteries and repulsed his efforts to regain them, our troops stood for hours masters of the field, but the British being largely reenforced made another attack about 4 p. m., retook the heights and drove our troops down to the river, where for want of boats they were forced to surrender. According to the figures at the Adjutant-General's Office, our loss was 250 killed and wounded and 700 prisoners. Of the killed and wounded, 160 were regulars and 90 militia. The total force engaged did not exceed 1,000 men.

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[a] Van Rensselaer's Affair of Queenstown, p. 10.
[b] Return of Troops, Wilkinson's Memoirs, vol. 1, p. 580.
[c] Van Rensselaer's Affair of Queenstown, p. 27.

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The British loss was 16 killed and 69 wounded. Their total force was estimated at not less than 1,100, of which 600 were regulars and the remainder militia and Indians.[a]

As a complete illustration of the weakness and danger of the militia system, the official report of General Van Rensselaer is quoted entire:

As the movements of this army under my command, since I had the honor to address you on the 8th, have been of a very important character, producing consequences serious to many individuals, establishing facts actually connected with the interest of the service and the safety of the army, and as I stand prominently responsible for some of these consequences, I beg leave to explain to you, sir, and through you to my country, the situation and circumstances in which I have had to act, and the reasons and motives which governed me; and if the result is not all that might have been wished, it is such that, when the whole ground shall be viewed, I shall cheerfully submit myself to the judgment of my country.

In my letter of the 8th instant, I apprised you that the crisis in this campaign was rapidly advancing; and that (to repeat the same) "the blow must soon be struck" or all the toil and expense of the campaign go for nothing, for the whole will be tinged with dishonor.

Under such impressions, I had on the 5th instant, written to Brigadier-General Smyth, of the United States forces, requesting an interview with him, Major-General Hall, and the commandants of regiments, for the purpose of conferring on the subject of future operations. I wrote Major-General Hall to the same purport. On the 11th I had received no answer from General Smyth, but in a note to me of the 10th, General Hall mentioned that General Smyth had not yet then agreed upon any day for the consultation.

In the meantime, the partial success of Lieutenant Elliott at Black Rock (of which, however, I have received no official information) began to excite a strong disposition in the militia to act. This was expressed to me through various channels, in the shape of an alternative that they must have orders to act, or at all hazards they would go home. I forbear here commenting upon the obvious consequences to me personally of longer withholding my orders under such circumstances.

I had a conference with ——— ——— as to the possibility of getting some person to pass over to Canada and obtain correct information. On the morning of the 4th he wrote to me that he had procured the man who bore his letter, to go over. Instructions were given him; he passed over—obtained such information as warranted an immediate attack. This was confidentially communicated to several of my first officers, and produced great zeal to act, more especially as it might have a controlling effect upon the movement at Detroit, where it was supposed General Brock had gone with all the force he dared spare from the Niagara frontier. The best preparations in my power were therefore made to dislodge the enemy from the heights of Queenstown, and possess ourselves of the village, where the troops might be sheltered from the distressing inclemency of the weather.

Lieutenant Colonel Fleming's flying artillery, and a detachment of regular troops under his command, were ordered up in season from Fort Niagara.

Orders were also sent to General Smyth to send down from Buffalo such detachment from his brigade as existing circumstances in that vicinity might warrant. The attack was to be made at 3 o'clock on the morning of the 11th, by crossing over in boats from the old ferry opposite the heights. To avoid any embarrassment in crossing the river, which is here a sheet of violent eddies, experienced boatmen were procured to take the boats from the landing below to the place of embarkation. Lieutenant Sim was considered the man of the greatest skill for this service; he went ahead and, in the extreme darkness, passed the intended place far up the river, and there, in the most extraordinary manner, fastened his boat to the shore and abandoned the detachment. In this front boat he had carried nearly all the oars which were prepared for the boats. In this agonizing dilemma stood officers and men, whose ardor had not been cooled by exposure through the night, to one of the most tremendous northeast storms, which continued unabated for twenty-eight hours and deluged the whole camps. Colonel Van Rensselaer was to have commanded the detachment.

After this result, I had hoped the patience of the troops would have continued until I could submit the plan suggested in my letter of the 8th, that I might act under and in conformity to the opinion which might then be expressed. But my hope was idle, the previously excited ardor seemed to have gained new heat from

[a] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 97.

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the late miscarriage, the brave were mortified to stop short of their object, and the timid thought laurels half won by the attempt.

On the morning of the 12th such was the pressure upon me from all quarters that I became satisfied that my refusal to act might involve me in suspicion and the service in disgrace.

Lieutenant-Colonel Christie, who had just arrived at the Fourmile Creek, had, late in the night of the first contemplated attack, gallantly offered me his own and his men's services; but he got my permission too late. He now again came forward, had a conference with Colonel Van Rensselaer, and begged that he might have the honor of a command in the expedition. The arrangement was made. Colonel Van Rensselaer was to command one column of the 300 militia and Lieutenant-Colonel Christie a column of the same number of regular troops.

Every precaution was now adopted as to boats and the most confidential and experienced men to manage them. At an early hour in the night Lieutenant-Colonel Christie marched his detachment by the rear road from Niagara to camp. At 7 in the evening Lieutenant-Colonel Stanahan's regiment moved from Niagara Falls; at 8 o'clock Meade's, and at 9 Lieutenant-Colonel Bloom's regiment marched from the same place. All were in camp in good season. Agreeable to my orders issued upon this occasion, the two columns were to pass over together as soon as the heights should be carried. Lieutenant-Colonel Fenwick's flying artillery was to pass over, then Major Mullany's detachment of regulars, and the other troops to follow in order.

Colonel Van Rensselaer, with great presence of mind, ordered his officers to proceed with rapidity and storm the fort. The service was gallantly performed and the enemy driven down the hill in every direction.

Soon after this both parties were considerably reenforced, and the conflict was renewed in various places. Many of the enemy took shelter behind a stone guardhouse, where a piece of ordnance was now briskly served. I ordered the fire of our battery to be directed upon the guardhouse, and it was so effectually done that, with eight or ten shots, the fire was silenced. The enemy then retreated behind a large storehouse, but in a short time the rout became general, and the enemy's fire was silenced, except from a 1-gun battery so far down the river as to be out of the reach of our heavy ordnance, and our light pieces could not silence it. A number of boats now passed over unannoyed, except by the one unsilenced gun. For some time, after I passed over, the victory appeared complete; but, in the expectation of further attacks, I was taking measures for fortifying my camp immediately. The direction of this service I committed to Lieutenant Totten, of the Engineers. But very soon the enemy were reenforced by a detachment of several hundred Indians from Chippewa; they commenced a furious attack, but were promptly met and routed by the rifle and bayonet. By this time I perceived my troops were embarking very slowly. I passed immediately over to accelerate their movements, but, to my utter astonishment, I found that at the very moment when complete victory was in our hands the ardor of the unengaged troops had entirely subsided. I rode in all directions; urged the men by every consideration to pass over, but in vain. Lieutenant-Colonel Bloom, who had been wounded in the action, returned, mounted his horse, and rode through the camp, as did also Judge Peck, who happened to be here, exhorting the companies to proceed, but all in vain.

•At this time a large reenforcement from Fort George was discovered coming up the river. As the battery on the hill was considered an important check against their ascending the heights, measures were immediately taken to send them a fresh supply of ammunition, as I learned there were left only 20 shot for the 18-pounders. The reenforcements, however, obliqued to the right from the road and formed a junction with the Indians in the rear of the heights. Finding, to my infinite mortification, that no reenforcement would pass over, seeing that another severe conflict must soon commence, and knowing that the brave men at the heights were quite exhausted and nearly out of ammunition, all I could do was to send them a fresh supply of cartridges. At this critical moment I dispatched a note to General Wadsworth, acquainting him with our situation, leaving the course to be pursued much to his own judgment, with assurance that if he thought best to retreat I would endeavor to send as many boats as I could command, and cover his retreat by every fire I could safely make; but the boats were dispersed, many of the boatmen had fled panic-struck, and but few got off. My note, however, could but little more than have reached Gen. W. about 4 o'clock when a most severe and obstinate conflict commenced, and continued about half an hour, with a tremendous fire of cannon, flying artillery, and musketry. The enemy succeeded in repossessing their battery and gained advantage on every side. The brave men who had gained the victory,

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exhausted of strength and ammunition, and grieved at the unpardonable neglect of their fellow-soldiers, gave up the conflict.

I can only add that the victory was really won, but lost for the want of a small reenforcement; one-third part of the idle men might have saved all.[a]

The above report shows plainly that Van Rensselaer, notwithstanding his evident good sense and ability, was compelled to forego his own judgment to escape charges of cowardice or treason, and to avoid seeing the whole campaign go for naught through the desertion of his militia; and further, that these troops by their insubordinate importunities forced him to give battle, only to abandon their comrades and disgrace their country when complete victory was within easy grasp.

Unwilling to accept the true lessons of the battle, General Armstrong, in his "Notices," after expatiating on the violation of seven maxims of war as sufficient to explain the loss of the engagement, lays down, eighthly, a new principle, as follows:

> The omission to ascertain, previously to the adoption of the project, the political sentiment of the militia on the question of invasion, and that of not promptly recalling the advanced corps after having ascertained that point, were errors of great magnitude.[b]

The next effort to retrieve the national reputation was made by General Smyth, who excited a temporary enthusiasm by the following flowery proclamation:

To the men of New York:

For many years you have seen your country oppressed with numerous wrongs. Your government, although above all others devoted to peace, has been forced to draw the sword and rely for redress of injuries on the valor of the American people.

That valor has been conspicuous, but the nation has been unfortunate in the selection of some of those who directed it. One army has been disgracefully surrendered and lost; another has been sacrificed by a precipitate attempt to pass it over at the strongest point of the enemy's lines with most incompetent means. The course of these miscarriages is apparent. The commanders were popular men, "destitute alike of theory and experience" in the art of war.

In a few days the troops under my command will plant the American standard in Canada. They are men accustomed to obedience, silence, and steadiness. They will conquer or they will die. Will you stand with your arms folded and look on this interesting struggle? Are you not related to the men who fought at Bennington and Saratoga? Has the race degenerated? Or have you, under the baneful influence of contending factions, forgotten your country? Must I turn from you and ask the men of the Six Nations to support the Government of the United States? Shall I imitate the officers of the British King, and suffer our ungathered laurels to be tarnished with ruthless deeds? Shame, where is thy blush! No. Where I command, the vanquished and peaceful man, the child, the maid, and the matron shall be secure from wrong. If we conquer, we will "conquer but to save."

Men of New York, the present is the hour of renown. Have you not a wish for fame? Would you not choose in future times to be named as one of those who, imitating the heroes whom Montgomery led, have, in spite of the seasons, visited the tomb of the chief and conquered the country where he lies? Yes. You desire your share of fame. Then seize the present moment. If you do not you will regret it and say, "the valiant have bled in vain; the friends of my country fell, and I was not there."

Advance, then, to our aid. I will wait for you a few days. I can not give you the day of my departure. But come on. Come in companies, half companies, pairs, or singly. I will organize you for a short tour. Ride to this place, if the distance is far, and send back your horses. But remember that every man who accompanies us places himself under my command and shall submit to the salutary restraints of discipline.[c]

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[a] Van Rensselaer's Affair of Queenstown, Appendix, p. 62.

[b] Armstrong's Notices of the War of 1812, vol. 1, p. 19.

[c] James's Military Occurrences between Great Britain and the United States, vol. 1, pp. 391, 392; also Thompson's Late War, p. 82.

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In response to this call his force for the brief space of one month increased to 4,500 men.

Smyth's first effort to invade Canada was made on the 28th of November. His advanced guard, under cover of night, crossed the river and returned after spiking several of the enemy's batteries. At daylight the main body began to embark, but late in the afternoon the expedition was postponed and the men ordered back to land. On the 1st of December the attempt was renewed with a similar ending. After advancing nearly a quarter of a mile from the shore, the front line of boats was recalled and the announcement made that the expedition was given up.

Although the officers of the volunteers and militia had advised in council of war against invasion, the behavior of their men on receiving this information is thus described by Thompson:

> The scene of discontent which followed was without a parallel. Four thousand men without order or restraint indignantly discharged their muskets in every direction. The person of the commanding general was threatened. Upward of 1,000 men of all classes of society had suddenly left their homes and families, and had made great sacrifices to obey the call of their country under General Smyth's invitation. He possessed their strongest confidence and was gaining their warmest affections. He could lead to no post of danger to which they would not follow. But now the hopes of his Government, the expectations of the people, the desires of the Army, were all frustrated, and he was obliged to hear the bitter reproaches and the indignant epithets of the men whom he had promised to lead to honor, to glory, to renown. The inhabitants refused to give him quarters in their houses, or to protect him from the rage of those who considered themselves the victims of his imbecility or his deceit. He was obliged constantly to shift his tent to avoid the general clamor, and to double the guard surrounding it, and he was several times fired at when he ventured without it. [a]

The general sincerity of this outburst is somewhat impeached by the following passage in Smyth's official report:

> There were some groups of men not yet embarked; they were applied to, requested, and ordered by the brigade-major to get into the boats; they did not. He estimated their number at 150; it was probably greater. [b]

Thus another effort to lean on the "broken reed," as the militia were styled by Washington himself, had come to naught, and the troops under Smyth's command had failed "to conquer or to die" in the language of his high-flown proclamation. Unable to withstand the odium he had called upon himself, the commanding general "was hissed and hunted from one hiding place to another, and at length compelled to fly for safety to his own home in Virginia." [c] When their anger had cooled, the militia made their way home as best they might, while the regulars, like the Continentals of the Revolution, retired to their winter quarters.

THE NORTHERN ARMY.

The forces assembled in the neighborhood of Lake Champlain, under General Dearborn, were intended to invade Canada by way of Montreal. Without, however, performing any exploit which history has recorded, save a reconnaissance across the line to the La Colle River and the capture of a blockhouse, the troops, 5,737 strong, fell back and went into winter quarters.

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[a] Thompson's Late War, p. 87.
[b] Fay's American War, p. 64.
[c] Armstrong's Notices of the War of 1812, vol. 1, p. 113.

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The construction which the militia troops put on the powers of Congress to call them out, under the Constitution, to "repel invasions," was again illustrated on this occasion.

Of the 3,000 militia who marched with Dearborn for Canada, nearly all refused to cross the line, including a company who advanced with Pike, but halted at the very border.[a]

TROOPS EMPLOYED IN 1812.

The militia called into service during the year 1812 numbered 49,187, of whom 208 were from Massachusetts and none from Connecticut.[b] Adding 15,000[c] regulars (the number of volunteers not being stated) we find that the total strength of the troops who drew Government pay during the year 1812 was not less than 65,000 men.

The British estimated their regular force at 1,450,[d] but General Brown, afterwards Commander in Chief, computed the whole number of British regulars in the province of Upper Canada, during the year, at less than 1,200 men, still further qualified by the remark that—

at no time did the command of this distinguished chief (General Brock) consist of less than one-third of old men and boys, fit only for garrison duty.[e]

COMMENTS ON THE RESULTS OF THE CAMPAIGN.

The failures and disasters of the campaign can be plainly traced to the pernicious military organization established by the act of 1792. It will be remembered that instead of relying upon a small but well-disciplined regular establishment, this law intrusted the safety and honor of the nation to armies of militia supported by the several States during the long intervals of peace. These armies, though elaborately organized on paper, into battalions, brigades, and divisions, were only to receive such drill and instruction as the various States might think proper.

Though an alarming defect became apparent at the very outset of the war, when the unlooked-for opposition of two State governors deprived the President of the control of a portion of the militia, it remained for the fruitless campaigns at the West and the cruel and disheartening experiences at Queenstown to fully reveal the utter worthlessness of the new system.

Led to a certain extent by those who had gained actual military experience during the Revolution or on the Indian frontier, endowed with perhaps more average intelligence and education than the regulars; supplied with the same food, clothing, and equipments as they were, the marked inferiority of the militia troops was largely due to the brief period of their service, to the conviction that their time would soon be "out," and that others must take their places and bear the burdens and dangers of the contest.

While their pay was no greater than that of other troops, when we deduct the time lost in coming and going, as well as that consumed in

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[a] Ingersoll's Second War, vol. 1, p. 101.

[b] The above figures were furnished by the Adjutant-General of the Army.

[c] The return from the Army in February, 1813, shows 19,036.

[d] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 56.

[e] Armstrong's Notices of the War of 1812, vol. 1, p. 224. Extract from letter from General Brown, dated July 20, 1813.

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partial and unavailing instruction, their real cost to the country was infinitely greater.

OPERATIONS OF THE NAVY.

The first naval exploit of the war took place on the 13th of August, when Captain Porter with the *Essex* frigate captured the English sloop of war *Alert* in the brief space of eight minutes; on the 19th of August, after an engagement of thirty minutes, the English frigate *Guerriere*, 38 guns, was taken by the *Constitution*, Captain Hull; on the 17th of October the American sloop of war *Wasp*, Captain Jones, captured the brig *Frolic*, 22 guns, after a contest of forty-three minutes, but the same day, with its prize, was compelled to surrender to the enemy's seventy-four gun ship *Poictiers;* on the 25th of October the frigate *United States*, Commodore Decatur, captured the English frigate *Macedonian*, 49 guns. The destruction of the *Java*, 38 guns, by the *Constitution*, Commodore Bainbridge, on the 29th of December, closed the brilliant record of our Navy for the year.

It has been fortunate for the fame of our country, no less than for its finances, that Congress has never been tempted to delegate to the States any portion of its constitutional power "to provide and maintain a navy." As a consequence, in this branch of the national defense the honor of our flag and the protection of the persons and property of our citizens have been intrusted to disciplined seamen, commanded by officers of professional training and experience.

To that skill, discipline, and valor, which are essential elements of a regular service, must be ascribed this series of brilliant victories on the sea which electrified the nation and made it justly proud of its Navy.

Far from appreciating the excellent footing upon which Congress had placed our Regular Navy, and ignorant of the character and discipline of its officers and men, the Cabinet was completely overawed by the supposed naval supremacy of Great Britain, and adopted the timid policy of passive resistance as the only means of preventing the destruction or capture of our national ships.

So suicidal a resolution can only be explained by the disposition only too prevalent among many of our public men to ignore in the management of military and naval affairs the opinions and advice of professional experts.

The urgent verbal and written remonstrances of Captains Bainbridge and Stewart alone induced the President to overrule the twice-matured resolution of his Cabinet, to dismantle our men-of-war and convert them into floating batteries for mere harbor defense.

The change of policy brought about by these brave officers amply indemnified the Government for every dollar expended on the Navy since its foundation, and largely atoned for the universal discomfiture of our land forces.

In speaking of the deplorable results that might have otherwise ensued, Ingersoll states:

> Importunity overcame Cabinet deliberation which might have brought the war to an end, with nothing but defeats by land, without one redeeming triumph on the water. If so, the Administration must have been borne down by overpowering opposition and its own incapacity, the war spirit discouraged, the war party overthrown, Congress either not called together at all till December, instead of being convoked in extraordinary session in May, 1813, and in December not to vote taxes for vigorous prosecution of hostilities, but to ratify dishonorable peace. [a]

[a] Ingersoll's Second War, vol. 1, p. 382.

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CHAPTER X

CAMPAIGN OF 1813.

MILITARY LEGISLATION.

The accumulated disasters of the late campaign reacted upon Congress, and we find "that in order to complete the present military establishment to the full number authorized by law, *with the greatest possible despatch*," the law of January 20, 1813, granted $24 of advanced pay to every soldier who, after the 1st of February, should enlist for five years or during the war. This advance was exclusive of $16 bounty and three months' pay and 160 acres of land which the soldier would receive upon his discharge. Even with this inducement, the aggregate of the Army in February only reached 19,036.

The sixth section of the law prescribed that it should "be lawful for any person, during the time he may be performing a tour of militia duty, to enlist in the Regular Army of the United States." This provision relieved the General Government in a measure from the embarrassments incident to the law of 1792, which made every citizen, not specially excepted, a member of the militia.

It being by no means certain that the offers already made would attract men to the ranks, Congress recurred to the principle of short enlistments and authorized the President, on the 29th of January, to increase the regular infantry by twenty regiments, to be enlisted for one year.

Exclusive of the staff, the Army in March, 1813, now consisted of—

44 regiments of infantry.
4 regiments of artillery.
2 regiments of dragoons.
1 regiment of rifles, and the Corps of Engineers.
In the aggregate 57,351 men.

As was the case during the Revolution, Congress, however, had again to learn the vital distinction between "voting battalions and raising men."

Further legislation during the year looked chiefly to the enlargement of the staff. This was accomplished in the lower grades by details of line officers, but the saving thus effected in the item of staff officers' pay was more than offset by the dangers of defeat, many companies and battalions being left without a proper complement of officers to lead them into battle.

In view of the fruitless employment of so many militia troops at the West during the previous year, the Government decided to limit the Army under General Harrison to 7,000 men.[a]

This step was the outcome of an attempt to wage the war with regular rather than with raw troops, a change of policy forced upon the

[a] Armstrong's Notices of the War of 1812, vol. 1, p. 176.

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Administration no less by the ridicule of the opposition than by the force of public opinion, which demanded a vigorous prosecution of hostilities.

General Harrison's views as to this change of policy are expressed in a letter to the Secretary of War, dated March 17, 1813:

> The force contemplated in your letter is, in my opinion, not sufficient to secure success. Admitting that the whole should be raised by the time pointed out, they would be very little superior to militia, the officers having, with scarcely an exception, to learn their duty before they could instruct their men. We have, therefore, no alternative but to make up by numbers the deficiency in discipline.
>
> I am well aware of the intolerable expense which attends the employment of a large militia force. We are now, however, in a situation to avoid those errors which made that of the last campaign so peculiarly heavy. Our supplies are procured, and so deposited, that the period for the march of the army from the advanced posts can be ascertained to an hour, and of course the troops need not be called out until the moment they are to act. Experience has convinced me that militia are more efficient in the early than in the latter part of their service.
>
> * * * * * * *
>
> With regard to the quantum of force, my opinion is, that not only the regular troops designated in your letter, but a large auxiliary corps of militia should be employed. The only objection arises from the expensiveness of troops of that description. This, however, could not be an object, considering the very short time that it would be necessary to employ them. Let the moment for the commencement of the march from the Rapids be fixed, and the militia might be taken to that point, proceed and accomplish the object, and return home in two months.
>
> Amongst the reasons which makes it necessary to employ a large force, I am sorry to mention the dismay and disinclination to the service which appears to prevail in the western country; numbers must give that confidence which ought to be produced by conscious valor and intrepidity, which never existed in any army in a superior degree than amongst the greater part of the militia which were with me through the winter. The new drafts from this State are entirely of another character, and are not to be depended on. I have no doubt, however, but a sufficient number of good men can be procured, and should they be allowed to serve on horseback, Kentucky would furnish some regiments that would be not inferior to those that fought at the river Raisin; and they were, in my opinion, superior to any militia that ever took the field in modern times. [a]

While Washington persistently opposed a dependence on raw troops as being a policy fraught with the utmost danger to our liberties, it will be perceived that General Harrison sought by "numbers" alone to replace that "confidence which ought to be produced by conscious valor and intrepidity."

The exhaustion of the Treasury involved in so reckless a program, elicited the following reply from the Secretary of War, dated April 4:

> It now remains only to signify to you, clearly and distinctly, the kind of force the Government mean hereafter to employ in offensive operations, if it can be obtained.
>
> When the Legislature at their last session adopted the measure of augmenting the Army to fifty-two regiments of the line it was expressly in the view of superseding hereafter the necessity of employing militia, excepting in moments of actual invasion. In obedience to this policy the President assigned to the eighth military district of the United States four of these regiments, which, if filled, and superadded to the two regiments of the line now in that district, and the twenty-fourth in march for it, will give a total of seven regiments, or seven thousand men. This number forbids the belief that any employment of militia drafts will be necessary, when it shall have been collected. [b]

The difficulty, however, of recruiting the Army by volunteer enlistments compelled him to add:

> Till, however, this be done, or at least till time be given for the experiment, so many militia only are to be called out as shall be necessary for the defense of your posts

[a] American State Papers, vol. 1, p. 452.
[b] American State Papers, vol. 2, p. 453.

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on the Miami, and of your depots of provision on the lake. And should the recruiting service go on less fortunately in the patriotic States of Kentucky and Ohio than in other parts of the Union, you are in that case, and in that case only, authorized to call out so many militia drafts as will make good the deficiency.[a]

With this explanation of the new policy which the Government sought to inaugurate, we may now proceed to the military operations of the year.

MILITARY OPERATIONS IN THE WEST.

The campaign, like that of 1812, opened with disaster. The winter expedition, into which Harrison's campaign of the previous autumn had resolved itself, consisted of a forward movement under General Winchester, in response to an appeal from settlers on the river Raisin. At Frenchtown, on the 22d of January, Winchester was attacked, defeated, and captured, with a loss of 397 killed, 27 wounded, and 522 prisoners.

His small force consisted of several companies of regulars, the First and Fifth Kentucky militia, and a battalion of rifles, numbering in all some 900 men. The British force under Proctor, comprising regulars, militia, and Indians, were 1,000 strong.[b]

As has often happened in war, both parties fled from the scene of the battle, Proctor hastily returned to Canada lest his little force should be overwhelmed by the main body of Harrison's army, while the latter, apprehensive of an attack, set fire to his stores and baggage, and retreated to Partage River, east of the Miami.

On the 1st of February, with a force of nearly 2,000 men, he again advanced to the east bank of the Miami, where he established an entrenched post known as Fort Meigs.

The audacity of the British commander increased with every success. Hearing that the Americans expected large reenforcements, on the 23d of April, Proctor embarked at Amherstburg with 983[c] regulars and militia, crossed Lake Erie, ascended the Miami, and, being joined by 1,200 Indians, invested and laid siege to Fort Meigs. To complete the investment his troops occupied both banks of the river.

Learning, on the 5th of May, that 1,200 Kentucky militia were moving down the river to his support, Harrison sent orders to their commander, General Clay, upon approaching the fort, to land 800 men on the west bank, "take possession of the enemy's cannon, spike them, cut down the carriages, and return to their boats."[d]

The remainder of the detachment was ordered to land on the east bank and fight its way through the Indians to the fort.

The detachment of 800 men easily surprised and captured the enemy's guns, but instead of returning to their boats they unfortunately resolved, in disobedience of orders, to attack the British camp, when they were routed with a loss of 45 killed and 605 prisoners. Of the 800, but 150 made their escape.[e]

The other detachment, thanks to a vigorous sortie of the regulars, succeeded in entering the fort.

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[a] American State Papers, vol. 2, p. 453.

[b] Figures furnished by Adjutant-General.

[c] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 195.

[d] General Clay's Official Report, Fay's American War, p. 93.

[e] Thompson's Late War, p. 12; also Harrison's Official Report, Fay's American War, p. 92.

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Uneasy at the discontent of his Indians, and finding that he could not take the fort, Proctor raised the siege on the 9th of May and returned to Canada, first, however, demanding the surrender of the garrisons as the "only means left for saving the latter from the tomahawk and scalping knives of the savages," a demand he was warned by General Harrison "not to repeat."

Our loss during the siege was 81 killed, 189 wounded, and 605 prisoners, total, 875. Of the killed and wounded 156 were regulars; the remaining 114[a] were twelve months' volunteers and militia from Ohio and Kentucky.

The British casualties were 14 killed, 47 wounded, and 40[b] missing; total, 101. Although Fort Meigs had not been taken, our losses were so great that the enemy gained the prestige if not the substantial fruits of a third victory.

Having been reenforced by about 400 regulars, Proctor again resolved to carry the war into Ohio, and recrossing the lake in July, appeared a second time before Fort Meigs.

His idea was "that Clay and his garrison, made up of insubordinate militia, might be provoked or seduced to quit their entrenchments and take the risk of a field fight with him and Tecumseh,[c] whose combined forces were represented at 4,000 men.

Leaving the latter to observe Fort Meigs, the British commander moved with a portion of his troops to Fort Stephenson, on the Lower Sandusky, garrisoned by 160 regulars, under the command of Major Croghan. On the 2d of August, after summoning the garrison to surrender and meeting with a prompt refusal, Proctor assaulted the place with 391 British regulars,[d] who were repulsed with a loss of 96 killed and wounded.

The casualties among the garrison were but 1 killed and 7 slightly wounded.

This gallant defense by an officer not 21 years of age marked the turning point in Proctor's career. Thwarted at a moment when he felt sure that another American detachment would become the prey of his savage allies, he gathered his troops together and retired once more to Canada.

The enormous expense already incurred in the effort to retake Detroit, by marching through the wilderness, induced the Government, early in the year 1813, to organize a naval flotilla for the purpose of securing the command of Lake Erie.

With the vessels constructed in pursuance of this design, Commodore Perry, on the 10th of September, won the brilliant victory of Lake Erie, which gave our army direct communication by water with the enemy's stronghold.

Meantime, by calls upon the governors of Kentucky and Ohio, our numbers were increased to more than 7,000 men. With this force, Harrison crossed the lake to Canada, landing at Amherstburg on the 27th of September and pushing on in pursuit of the now retreating

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[a] Thompson's Late War, p. 114.

[b] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 200.

[c] Armstrong's Notices of the War of 1812, vol. 1, p. 164.

[d] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 265.

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Proctor, overtook him at the Thames, on the 5th of October, and totally defeated him, inflicting a loss of 12 killed, 22 wounded, and 600 prisoners, all regulars, including 25 officers. The Indians, estimated at 1,200, left 33 warriors on the field, among whom was the famous Tecumseh.

Johnson's regiment of mounted infantry, after receiving the fire of 356 British regulars[a] posted in open order in a beech forest, charged with such impetuosity, that, in the language of General Harrison, "in one minute the contest, in front, was over."[b]

Harrison estimated his force at little over 3,000; his casualties in killed and wounded were but 29. The whole number of regulars engaged on the enemy's side was 834.

After this decisive battle, which detached all of the Northwestern Indians from the British cause, and gave us back the territory we had lost, our Army was disbanded, pursuant to our usual practice, instead of being led to fresh victories. The militia and twelve months' men were discharged, while General Harrison with 1,300 regulars embarked at Detroit for Buffalo.

The cost of dispersing the 800 British regulars, who from first to last had made prisoners of Hull's army at Detroit, let loose the northwestern Indians, defeated and captured Winchester's command at Frenchtown, besieged the Northwestern army at Fort Meigs, and twice invaded Ohio, having experienced but one rebuff, at the hands of a stripling in command of 160 regulars at Fort Stephenson—teaches a lesson well worth the attention of any statesman or financier.

Not counting the hastily organized and half-filled regiments of regulars, sent to the West, the records of the Adjutant-General's Office show that about 50,000 militia were called out in 1812 and 1813, from the States of Ohio, Kentucky, Tennessee, Pennsylvania, and Virginia, for service against Proctor's command.

As further evidence that the keys of the Treasury were turned over to the States with no check, save the honesty of the officers who made out the muster-rolls, it need only be stated that up to April 14, 1813, "no return of any description"[c] from General Harrison's division of the Army, had ever been received at the Adjutant-General's Office.

The above facts would seem to offer conclusive proof that the same mistake in statesmanship which, in time of peace, gives us a non-expansive military establishment, is certain to bring about, in time of war, useless sacrifice of human life, unlimited waste of money, and national humiliation.

MILITARY OPERATIONS IN THE CENTER.

In the central theater of operations, extending from Prescott, on the St. Lawrence River, to Lake Erie, the British regular force, on the 8th of February, 1813, was estimated by the Secretary of War at 2,100 men; the force necessary for offensive purposes on this line the Secretary stated "should not be less than 6,000 effective regular troops, because

[a] James's Military Occurrences between Great Britain and the United States, vol. 1, p. 279.

[b] Harrison's Official Report, Fay's American War, p. 138.

[c] Letter of Secretary of War to General Harrison, dated April 4, 1813, American State Papers, vol. 1, p. 453.

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in the first enterprise of a second campaign, nothing must, if possible, be left to chance."[a]

The first movement of importance was the successful attack on York (now Toronto), on the 27th of April. In this enterprise our force numbered 1,700 men, their losses in killed and wounded, mostly by the explosion of a mine, being 280.

The British force was estimated at 750 regulars and militia and 100 Indians. Their losses were some 200 killed and wounded and 293 prisoners.

General Dearborn followed up this success by taking Fort George on the 27th of May, and later gained possession of all the forts on the Niagara frontier after a number of encounters with the enemy, who made but little resistance.

In one of these encounters, a night attack, attended by little loss on both sides, Generals Winder and Chandler had the misfortune to be taken prisoners. In another, Colonel Boerstler, believing himself to be surrounded by a superior force, surrendered with 542 men, of whom nearly 500 were regulars.

On the 6th of July, General Dearborn was relieved, this honored veteran of the Revolution having voluntarily given up his command, in conequence of ill health and infirmities.

While our Army was engaged at Fort George, the weakness of the garrison at Sacketts Harbor induced the enemy under Sir George Prevost to attack that place, his object being to take possession of our naval depot and stores and destroy the new ship *General Pike*, then in process of construction.

The invading force, from 900 to 1,200 strong, left Kingston on the 27th of May, and, landing on the 29th, was repulsed with a loss of 50 killed and 211 wounded. Our casualties were, regulars, 20 killed, 84 wounded, and 26 missing; volunteers, 2 killed; militia, 25 killed and wounded; total, 157.

The battle of Sackett's Harbor, like every one that had preceded it, established the value and superiority of disciplined troops.

In his report to the Secretary of War, General Brown of the militia, who, for this successful defense, was appointed a brigadier-general of the Army, thus speaks of the conduct of our troops:

> My orders were that the troops should lie close and reserve their fire, until the enemy had approached so near that every shot might hit its object. It is, however, impossible to execute such orders with raw troops, unaccustomed to subordination. My orders were, in this case, disobeyed; the whole line fired, and not without effect; but in the moment while I was contemplating this, to my utter astonishment, *they rose from their cover and fled.* Colonel Mills fell gallantly, in brave but vain endeavors to stop his men. I was, personally, more fortunate. Gathering together about 100 militia, under the immediate command of Captain McNitt, of that corps, we threw ourselves on the rear of the enemy's left flank, and, I trust, did some execution. It was during this last movement that the regulars under the command of Colonel Backus first engaged the enemy; nor was it long before they defeated him. Hurrying to this point of action, I found the battle still raging, but with obvious advantage on our side. The result of the action, so glorious for the officers and soldiers of the Regular Army, has already been communicated in my letter of the 29th. Had not General Prevost retreated most rapidly under the guns of his vessels, he would never have returned to Kingston. One thing in this business is to be seriously regretted: in the midst of the conflict fire was ordered to be set to the navy barracks and stores. This was owing to the infamous conduct of those who brought information to Lieutenant Chauncey that the battle was lost, and that to prevent the stores from falling into the enemy's hands they must be destroyed.[b]

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[a] American State Papers, vol. 1, p. 439.
[b] Fay's American War, p. 102.

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MILITARY OPERATIONS IN THE NORTH.

Disgraceful as were our failures in the center, they shrink into insignificance when compared with the fate of our invasion from the Northern frontier. In this zone of operations two bodies of troops were assembled toward the end of the year, with the intention of attacking Montreal.

One column, numbering 8,000[a] regulars, under General Wilkinson, rendezvoused at the foot of Lake Ontario and was to descend the St. Lawrence, while the other, about 5,000 strong, under General Hampton, was to cooperate from the foot of Lake Champlain. This force, like Wilkinson's, was composed of regulars, or rather, recruits "who had been but a short time in service and had not been exercised with that rigid discipline so essentially necessary to constitute the soldier. They had indeed been taught various evolutions, but a spirit of subordination was foreign to their views."[b]

The exploits of these two commands are quickly related. Crossing the frontier, Hampton was repulsed on the Chateaugay by a force of some 800 Canadian militia and Indians, of whom not more than 400 were engaged, after which he returned to Lake Champlain and Plattsburg.

Wilkinson began his descent of the St. Lawrence in November. On the 11th, his advance corps, numbering 1,600 or 1,700 men, encountered a force of 800 British regulars at Chrystler's Fields, where, after a fight of two hours, in which he lost 338 killed and wounded, our forces, being unable to dislodge the enemy, returned to their boats.

This repulse was followed by a council of war, which decided "that the attack on Montreal should be abandoned for the present season and the Army near Cornwall be immediately crossed to the American shore, for taking up winter quarters." The fact must here be plainly stated that two American columns, mainly composed of regulars and numbering at least 13,000 men, recoiled before a force of regulars, militia, and Indians not exceeding 2,000.

Want of cooperation, superannuated and incompetent commanders, newly enlisted and undisciplined men, inexperienced officers—all the fruits of a bad military policy—were the causes of these humiliating defeats.[c]

The story of Hampton's nerveless campaign affords perhaps the most satisfactory demonstration of the great importance of, once and for all, doing away with a military system which, as under the Confederation, still largely based itself upon the support and cooperation of the States.

During this period it happened that an election for governor occurred in the State of Vermont. The highest candidate having failed, by

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[a] Official returns, Wilkinson's Memoirs, vol. 3, Appendix No. VII.

[b] Official report of Colonel Purdy, 4th New York, American State Papers, vol. 1, p. 479. This officer's estimate of General Hampton's force was about 4,000.

[c] The spirit of the opposition at this stage of disaster was indicated in the following extract from the Boston Gazette: "Every hour is fraught with doleful tidings; humanity groans from the frontiers. Hampton's army is reduced to about 2,000; Wilkinson's cut up and famishing; crimination and recrimination the order of the day. Democracy has rolled herself up in weeds and laid down for its last wallowing in the slough of disgrace. Armstrong, the cold-blooded director of all the military anarchy, is chapfallen.

Now lift, ye saints, your heads on high,
And shout, for your redemption's nigh."

Ingersoll's Second War, vol. 1, p. 309.

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some 300 votes, to secure a majority, the election was thrown into the legislature, where, on joint ballot, Governor Chittenden was chosen by a majority of 3 votes. Being a bitter opponent of the war, he sought to place Vermont in a position of open hostility to the United States, by defying the authority of the General Government and wantonly interfering with its plans of campaign.

A brigade of Vermont militia, duly enrolled in the service of the United States, being stationed at Plattsburg in support of Hampton's command, then in Canada, Chittenden issued his proclamation, as captain-general and governor commanding this militia force, to return to their homes "within the territorial limits of their own brigade, there to repel if need be, the enemy's invasion, either in cooperation with troops of the United States or separately, as might be necessary."[a] He then declared—

> That, in his opinion, the military strength and resources of the State must be reserved for its own defense and protection exclusively, excepting in cases provided for by the Constitution of the United States; and then under orders, derived only from the commander in chief.[a]

This attempt to bring about insubordination and mutiny, was promptly resisted by some of the patriotic men who had left their homes at the call of the Government. On the 15th of November, Lieutenant-Colonel Dixon and other officers of one of the Vermont regiments then at Plattsburg, replied to the governor that—

> When ordered into the service of the United States it becomes our duty to march to any section of the Union, not confined to the narrow limits of the town or State in which we reside. We are under a paramount obligation to our common country and the great confederacy of States; and while in actual service, your Excellency's power over us, as governor of Vermont, is suspended. If legally ordered into service of the United States, your Excellency has no power to order us out of it. An invitation or order to desert the standard of our country will never be obeyed by us, although it proceeds from the captain-general and governor of Vermont.[a]

As to the effect of this proclamation, the officers stated that—

> The governor's proclamation is a renewed instance of that spirit of disorganization and anarchy, carried on by a faction to overwhelm our country with ruin and disgrace. Your Excellency's object must be to embarrass the operations of the Army, excite mutiny and sedition among the soldiers, and induce them, by deserting, to forfeit their wages. Distributed among the soldiers by your agent employed for the purpose, your proclamation has produced no effect. They regard it with mingled emotions of pity and contempt for its author and as a striking monument of his folly. A knowledge of your Excellency's character, induces us to believe that the folly and infamy of the proclamation to which you have put your signature, are chiefly ascribable to the evil advisers, by whom your Excellency is encompassed.[b]

The views of Mr. Ingersoll, a war member of Congress, as to the action of the Vermont officers are thus expressed:

> By that military revolt, collision in arms and civil war were probably prevented, by insubordination, more lawful, rational, and patriotic than the command; for the militia were sustained in their resistance by the Supreme Court of the United States, whose decree condemned the military illegalities of the supreme court and other constituted authorities of Massachusetts, which misled the governor of Vermont. Gen. Jacob Davis, of the Vermont militia, charged by Governor Chittenden with the execution of his proclamation, was arrested as soon as he attempted it, at Plattsburg, and put in confinement, General Hampton having gone into winter quarters there, after his and General Wilkinson's quarrelsome abandonment of this expedition to Canada.[c]

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[a] Ingersoll's Second War, vol. 2, p. 26.
[b] Ingersoll's Second War, vol. 2, pp. 26, 27.
[c] Ingersoll's Second War, vol. 2, p. 27.

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CLOSING MILITARY OPERATIONS IN THE CENTER.

As soon as the forces under Wilkinson and Hampton had fallen back, the British, counting on the want of enterprise of these commanders, immediately sent reenforcements to the Niagara.

To adequately defend this line, for the possession of which we had labored from the beginning of the war, Wilkinson, before moving down the St. Lawrence, was ordered to leave at Fort George a sufficient garrison to resist an assault. He was also directed to accept the service of a volunteer corps, tendered to the Government by P. B. Parter and others, who—

pledged their lives that, if furnished with a few pieces of artillery and officers and men competent to manage them, they would, before the season ended, capture, destroy, or disperse all of the enemy's force on the peninsula.[a]

All the regulars being withdrawn pursuant to these instructions, the defense of Fort George was left to General McClure, of the militia.

On the first intimation of the enemy's approach, this inexperienced officer summoned a council of war, which decided that the fort was not tenable, whereupon he gave orders for its evacuation and returned to the American shore.

In effecting his retreat (December 10), he directed the village of Newark to be burned, in order, as he alleged, that the enemy might be "completely shut out from any hopes or means of wintering in the vicinity of Fort George."[b]

The conduct of the militia and their indisposition to remain in service after the retrograde movement, he thus represented to the Secretary of War:

It is truly mortifying to me that a part of the militia at least could not have been prevailed on to continue in service for a longer term; but the circumstances of their having to live in tents at this inclement season, added to that of the paymaster's coming on only prepared to furnish them with one out of three months' pay, has had all the bad effects that can be imagined. The best and most subordinate militia that have yet been on this frontier, finding that their wages were not ready for them, became, with some meritorious exceptions, a disaffected and ungovernable multitude.[c]

Upon his arrival at Buffalo, McClure reported to the Secretary of War that he had called out the militia of Genesee, Niagara, and Chautauqua counties en masse; that—

volunteers are coming in in great numbers; they are, however, a species of troops that can not be expected to continue in the service for a long time. In a few days 1,000 detached militia, lately drafted, will be on.[c]

In contempt of these military preparations, the enemy resolved on a counter invasion, crossed the river on the 19th of December, captured Fort Niagara through the criminal negligence of its commander, planted the British flag on our soil, and, in retaliation for the burning of Newark, destroyed Lewiston, Buffalo, and several other small towns.

Frightened at the unexpected appearance of the scalping knife and tomahawk, and unable to look to the Government for protection, the defenseless inhabitants of western New York fled from their homes, many of them seeking food and shelter as far east as the Genesee River.

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[a] American State Papers, vol. 1, pp. 468–469.
[b] American State Papers, vol. 1, p. 486.
[c] American State Papers, vol. 1, p. 487.

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The distress to which our helpless citizens were exposed at this time, may be set down as a necessary sequence to the mistake of leaving the frontier to be wholly defended by undisciplined troops.

In a letter to the Secretary of War, of January 12, 1814, General Cass stated:

> I have passed this day the ruins of Buffalo; it exhibits a scene of distress and destruction such as I have never before witnessed. * * * The circumstances attending the destruction of Buffalo you will have learned before this reaches you, but the force of the enemy has been greatly magnified. From the most careful examination, I am satisfied that not more than 650 men, of regulars, militia, and Indians landed at Black Rock. To oppose these we had from 2,500 to 3,000 militia. All, except very few of them, behaved in the most cowardly manner. They fled without discharging a musket. [a]

MILITARY OPERATIONS ON THE CHESAPEAKE.

As early as the 26th of December, 1812, with a view to cripple and destroy our commerce, the British declared the Chesapeake and Delaware Bays in a state of blockade; and on the 20th of March, 1813, extending the blockade to the whole coast of the United States, except that of Rhode Island, Massachusetts, and New Hampshire.

On the 4th of March, a British fleet, under Admiral Cockburn, entered the Chesapeake, and, being joined by large reenforcements from Bermuda, under Admiral Warren, began to destroy indiscriminately, not only Government stores, but vessels and a great deal of other property belonging to private individuals.

From the 20th of April to the 6th of May, Cockburn, with but slight opposition, successively captured and burned Frenchtown, Havre-de-Grace, Georgetown, and Fredericktown.

The defenseless state of the coasts of Delaware, Maryland, and Virginia may be readily inferred, from the fact that the landing party in each of these instances, was composed of but 150 marines and a small detachment of artillery; their opponents consisted of such of the neighboring militia as could be hastily gathered together.

With criminal disregard for the rules of civilized warfare, the futile defense of these towns only increased the distress and sufferings of their patriotic inhabitants. Those who joined the militia in offering resistance, saw their houses and property ruthlessly destroyed, while such as remained peaceably at home, were rewarded by the amplest protection.

This policy speedily demoralized many of the towns exposed to attack. The people, instead of being able to rely for defense on the strong arm of their Government, looked upon its militia as the forerunners of destruction, and to save their property, made haste to throw themselves on the mercy of their enemies.

The extent to which this disposition of our people influenced the movements of the British fleet, can be estimated by a reference to Admiral Cockburn's official report to Admiral Warren, dated Maidstone, May 6, 1813, in which he states:

> I then directed the reembarkation of our small force (after having taken and destroyed Georgetown and Fredericktown), and we proceeded down the river again to a town I had observed, situated in a branch of it, about halfway up, and here I had the satisfaction to find that what had passed at Havre, Georgetown, and Fredericktown had its effect, and led these people to understand that they had more to hope for from our generosity, than from erecting batteries and opposing us by means within

[a] American State Papers, vol. 1, p. 487.

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their power, the inhabitants of this place having met me at landing to say that they had not permitted either guns or militia to be stationed there, and that whilst there I should not meet with any opposition whatever.

I also had a deputation from Charlestown, in the northeast river, to assure me that that place is considered by them at your mercy, and that neither guns nor militiamen shall be suffered there; and as I am assured that all the places in the upper part of the Chesapeake have adopted similar resolutions, and that there is now neither public property, vessels, nor warlike stores remaining in this neighborhood, I propose returning to you with the light squadron to-morrow morning. [a]

In June, Admiral Warren, who had left the Chesapeake and gone to Bermuda, returned with a reenforcement of 2,650 infantry and marines, and again resumed military operations.

On the 20th, in the hope of taking Norfolk and its navy-yard, he attacked Craney Island with some 2,500 [b] men, but was repulsed with a loss of 81 killed, wounded, and missing. [c]

Our own force, which consisted of 480 militia and 150 sailors and marines, commanded by officers of the Navy, suffered no loss.

The number of militia who hastened to Norfolk before and after the attack was 10,000. [d]

This repulse was followed on the 25th, by the capture and destruction of the town of Hampton. The British force consisted of 2,000 men; their loss was 48 killed, wounded, and missing. On our side were some 450 militia, who effected their retreat with a loss of 31 killed, wounded, and prisoners.

During the rest of the year the British fleet gave most of its attention to the maintenance of the blockade.

THE CREEK WAR.

On the 30th of August, 1813, 1,000 Creek warriors, supplied with arms and ammunition by the British at Pensacola, surprised Fort Mims, in southern Alabama, and, after a gallant resistance, massacred 400 of the garrison, including more than 100 women and children.

The defenders consisted of only 245 volunteers and militia, although no less than 553 souls were gathered within the fatal stockade, many families and slaves from the adjoining plantations, as well as friendly Indians, having sought protection within its enclosures.

As soon as news of the massacre reached Tennessee, the legislature, with commendable promptness, authorized the governor to call out 3,500 volunteers, in addition to 1,500 already in the service of the United States. The State further guaranteed to pay and subsist the troops, in case its action should not be approved by the General Government.

By the 11th of October, General Jackson had concentrated at Huntsville a force of 2,500 men, an equal number being assembled in East Tennessee.

On the 25th of October, after several days' detention on account of supplies, he struck boldly into the forests of Alabama, and on the 3d of November, his advance guard fought the battle of Tallasahatchee,

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[a] James's Military Occurrences between Great Britain and the United States, vol. 2, Appendix No. 10, pp. 410, 411.

[b] James gives the attacking force at 1,500, Ibid, vol. 2, pp. 57, 58.

[c] Official reports of Admiral Warren and Sir Sidney Beckwith, Quartermaster-General, James's Military Occurrences between Great Britain and the United States, vol. 2, p. 114, appendix No. 13.

[d] Thompson's Late War, p. 213.

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killing 186 Indians and capturing 84 women and children. On the 9th of November, he fell upon 1,000 warriors who were besieging some friendly Creek Indians at Talladega, and after a spirited combat, in which his whole force of 2,000 men were engaged, dispersed the Indians, who lost in killed alone, 290 warriors. The casualties of our own troops in these two engagements were 146 killed and wounded.

So great was the moral effect of these victories, that the war might have been speedily ended, had not General Jackson been threatened by mutiny and dissolution of his army.

The extremities to which our military policy may at any moment reduce a patriotic commander, were never more forcibly presented than during this brief campaign.

For want of supplies, due in large degree to the failure of the Government to properly organize the staff departments, until hostilities with Great Britain became imminent, Jackson was forced to lead his troops back to Fort Strother, where for ten days he was doomed to struggle and plead with his hungry and insubordinate soldiers.

After supporting their privations for ten days, the militia regiments resolved to go home, but when they began to move found the volunteers across their path, with orders to prevent their departure, "peaceably if they could, forcibly if they must."[a] This display of physical force restored them temporarily to duty. The same afternoon the volunteers, surprised and disappointed at the success of the device, resolved to imitate the example of their comrades, and accordingly fixed their departure for the following day. To their astonishment they found the militia, whom they had opposed the day before, arrayed in their front, and yielding to the same argument, returned to their camps. The cavalry met with better success, being permitted to retire to Huntsville, on condition that they would return as soon as their famished horses should be fit for service.

In this emergency General Jackson tried persuasion. Calling together the officers, he told them that supplies were on the way to the fort; that he had no intention to starve or deceive them, and promised that "if supplies do not arrive in two days we will all march back together."[b]

At the expiration of this time the men demanded the fulfillment of the General's promise. Determined not to relinquish his position, he exclaimed: "If only two men will remain with me, I will never abandon the post."[c] A hundred and nine responded to this appeal, and leaving them as a garrison, Jackson placed himself at the heads of the troops who insisted on going back, with the understanding that should they meet the expected supplies, all would return. Twelve miles from the fort they met a large drove of cattle, by means of which their hunger was soon appeased; but when, as agreed upon, the order to return was given, the General could only enforce obedience, at the risk of his own life, by seizing a musket and barring the path of the homebound mutineers.

Their return to duty was but temporary, as another pretense for mutiny, in the form of short enlistments, immediately suggested itself. The volunteers claimed that their year's enlistment would expire on the 10th of December; the General held that they had not been continuously in the field, and that their engagement was to serve

[a] Parton's Life of Andrew Jackson, vol. 1, p. 460.
[b] Ibid, vol. 1, p. 461.
[c] Parton's Life of Andrew Jackson, vol. 1, p. 462.

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"one year in two." Although this difference of opinion was settled for the moment by another appeal to the militia, who quelled the mutiny with the aid of artillery, the General, finding that nothing could be expected from the volunteers, permitted them to march back to Nashville, where they were disbanded.

Similar difficulties now took place with the militia. Jackson's force, after the departure of the volunteers, consisted of 800 men, who had about three weeks to serve and 600 who had been called out for an indefinite period. These last claimed that all the precedents would entitle them to a discharge at the end of three months, the view of the General being that they were to serve during the Creek war. To add to his embarrassments, the terms of service of the 2,000 militia under General Cocke, who had reenforced him on the 21st of December, were all to expire within a month.

In this wretched state of affairs, the governor of Tennessee advised the General to disband his militia, return to the State, and content himself with the defense of its frontier. Jackson's characteristic reply was: "I will hold the posts I have established until ordered to abandon them by the Commanding General, or die in the struggle;" and foreseeing the inevitable dissolution of his command, he besought the governor to call out a new army, without waiting for the approval of the General Government.

By the 14th of January, 1814, all of the men called out to avenge the massacre of Fort Mims had disappeared, leaving the General in command of 900 new levies, who, though called out for short periods also, were led by officers who had gained experience in his former expeditions. Advancing with this force, he engaged the Indians on the 22d and 24th of January, defeating them with the loss of 189 warriors, his own killed and wounded being 95.[a]

Meantime, the governor of Tennessee had ordered a new levy of 2,500 three-months men to assemble at Fayetteville, and had approved General Jackson's order for the raising of a new division in east Tennessee.

On the 6th of February the Thirty-ninth U. S. Infantry, 600 strong, arrived at Fort Strother, and before the end of the month the General found himself at the head of a new army, part regular and part militia, numbering nearly 5,000 men.

All his preparations being made, he moved forward with 3,000 men, attacked the Indians at the Horse Shoe Bend of the Tallapoosa River, on the 27th of March, and totally defeated them, with a loss of 500 warriors killed and 200 drowned. The savages were 900 strong, not counting 300 women and children. Jackson's casualties in killed and wounded were 201 out of 2,000 men in action. The prolongation of the Creek War to more than twice the necessary length, was the inevitable result of our system of raw troops and short enlistments.

From Georgia and Mississippi, no less than Tennessee, we repeatedly sent against the Indians, dissolving armies which were successively attacked, and might have been massacred in detail, but for the fact that their superiority in arms and numbers more than compensated for their deficiency in training.

If we now turn from the 1,500 or 2,000 Creek warriors, to the preceding pages, and to the figures from the Adjutant-General's Office, it

[a] Parton's Life of Andrew Jackson, vol. 1, p. 494.

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appears that from first to last of this Creek War, we called into the field not less than 15,000 men.[a]

The effect of this policy in destroying human life was not limited to our citizen soldiers. It encouraged the Indians to strive with a superior power, till in the battle of the Horse Shoe, they were nearly annihilated.

OPPERATIONS OF THE NAVY.

The failure of our military operations on land were, as in 1812, partially retrieved by the exploits of the Navy.

In February the *Hornet* captured the *Peacock;* in June the *Chesapeake* was captured by the *Shannon;* in August, the *Argus* was captured by the *Pelican;* after these two reverses, victory again inclined to our side; September 5 the *Enterprise* captured the *Boxer*, followed on the 10th by Perry's victory on Lake Erie. In addition, our privateers on every sea carried consternation and destruction to the enemy's commerce. The disaster to the *Chesapeake*, like so many of our disasters on land, was ascribed to a new and undisciplined crew.

TROOPS EMPLOYED IN 1813.

The false economy of making in time of peace no preparation for war, was made increasingly apparent by our experience in the foregoing campaign.

Exclusive of volunteers and rangers, in reference to whom data for the campaign is wanting, the number of troops called out during the year numbered:

Regulars	19,036
Militia	130,112
Total	[b]149,148

Of this number of militia, 66,376 from Delaware, Maryland, Virginia, North Carolina, and the District of Columbia were employed from time to time, in observing the 2,600 regulars and mariners on board the British fleets in Chesapeake and Delaware Bays.

The only compensation for the employment of so many troops during the campaign, was the destruction of Proctor's force of 800 regulars, a feat that would have been impossible, but for the victory of Commodore Perry on Lake Erie.

Instead of accomplishing the cherished scheme of conquest, the second year of the war closed with our expulsion from Canada, succeeded by an invasion and burning of the villages, along the whole Niagara frontier.

Calamities apparently so uncalled for could no longer be tolerated, and as our failure was largely ascribed to incompetent and superannuated commanders, Wilkinson and Hampton were soon compelled to

[a] The actual number of militia called out from Georgia, Tennessee, and the Territory of Mississippi during the years 1813–14, was 25,779 (A. G. O.). During the same period there were also called out from North and South Carolina 18,142 militia, many of whom were employed in garrisoning forts along the frontiers of the Creek Nation.

[b] A. G. O. The number of regulars is taken from the return of the Army for February, 1813.

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follow in the footsteps of their predecessors, Van Rensselaer, Smyth, and Dearborn.

This change of leaders, however, was no sufficient remedy for the evils inherent in our military system.

The conduct of the regular troops on several occasions, gave abundant proof that the officers, just appointed from civil life, were little better than officers of militia, and that with no standard of discipline fixed in their minds, many of them were incapable of imparting to their soldiers the firmness expected of regulars in the hour of battle.

Nevertheless, a few young officers like Brown, Scott, and Ripley were slowly acquiring, in the sure but expensive school of war, the military knowledge that was destined in some degree to retrieve the honor of our arms.

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CHAPTER XI.

CAMPAIGN OF 1814

MILITARY LEGISLATION.

During the war of 1812, the legislation in regard to the Regular Army shows a marked advance in wisdom over the Revolutionary enactments relating to the Continentals. From the beginning, Congress showed its appreciation of the value of long periods of service, and although it erred in fixing the term of enlistment at one year for the 20 regiments created by the act of January 29, 1813, it corrected this mistake by subsequently authorizing the President to extend the term to five years, a step which prevented repeated dispersals of the only force we could rely upon.

The necessity for hastening enlistments prompted another appeal to the country. On the 27th of January, 1814, the law was modified so as to offer $124 to each man enlisting for five years, in lieu of the $16 bounty and three months' pay previously allowed, a measure which more than tripled the cash secured upon enlistment.[a]

Under the provisions of this act $2,012,439.33 was paid out in bounties between January 27 and October 26, and 13,898 recruits were obtained between the 1st of February and the 1st of October, the number available on the 1st of April, two days after the repulse at La Colle Mill, being only 3,337.[b]

Although Congress did not act until it was too late for the men enlisting to be of service during the ensuing campaign, the failure of this scheme of recruitment was more especially due to that feature of our system which, by tolerating two kinds of troops, encourages citizens and townships to offer greater bounties to the militia than the Government is willing or able to pay to recruits for the Regular Army.

Nothing could be more explicit than the Secretary of War's statement to the Military Committee that "many of the militia detached for six months have given a greater sum for substitutes than the bounty allowed by the United States for a recruit to serve for the war."[c]

Three regiments of rifles, enlisted for five years or during the war, were added to the Army on the 10th of February, and on the 30th of March, three regiments of artillery were formed into a corps of 12 battalions, the regiment of light artillery retaining its individual organiza-

[a] Three months' pay of a private amounted to but $24.

[b] American State Papers, vol. 1, p. 519.

[c] Report to the Senate Military Committee of October 26. American State Papers vol. 1, p. 519.

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tion. The latter act also reduced the light dragoons from two regiments to one. As reorganized by this and former laws, the Army, in March, 1814, consisted of 44 regiments of infantry, the corps of artillery (12 battalions), 1 regiment of light artillery, 1 regiment of dragoons, 4 regiments of rifles, the Corps of Engineers, the Rangers, and Sea Fencibles.

Although the paper aggregate reached 62,773, an increase of more than 5,000 over the previous year, despite the actual tripling of the bounty, the strength of the Army in September was but 38,186 men. In December the grant in land, due after the soldier's discharge, was doubled, making it 320 acres; yet, notwithstanding this encouragement, the Army dwindled away until it was only 33,424 strong in February, 1815. This falling off was largely due to desertion, which, as was the case during the Revolution, every increase of the bounty seemed to stimulate.

The figures just given are but another proof that voluntary enlistments, even when aided by extravagant bounties, can not be depended upon in a war of any duration. Forced to devise various schemes for raising men, the Government, in this instance, was only able to avoid a draft by the speedy termination of the war.

Although not adopted, two of the plans submitted in October, 1814, by the Secretary of War to the chairman of the Senate Military Committee recognized the principle of drafting, then known as "conscription." The first plan[a] formed all free male citizens between the ages of 18 and 45 into classes of 100 each, each class to supply four men for the war and to replace them in case of casualty. If the class failed to supply the four men, a draft was to be made in the entire class, permission being given to the drafted men to furnish substitutes. The second plan proposed to divide the militia into three classes, embracing, respectively, men between the ages of 18 and 25, 25 and 32, and 32 and 45, the President being authorized to call out any class for the period of two years. The third plan exempted every five men from militia service who would furnish one soldier to serve for the war. This plan was not thought judicious, lest it should interfere with recruiting by reason of the large bounties that might be given by the rich. The fourth plan, to be adopted in case the three others were rejected, was to adhere to the existing system of raising troops, granting each recruit 100 acres of land for each year the war lasted, in addition to the 100 acres allowed by law.

Not yet prepared to exercise its sovereign powers to the fullest extent, Congress, as we have already seen, increased the bounty in land to 320 acres.

Happily the conclusion of peace prevented a recourse to the draft, which must have followed as the next war measure.

MILITARY OPERATIONS ON THE NIAGARA FRONTIER.

The regular troops at Buffalo passed the winter and spring of 1814 in drilling and improving their discipline. Appreciating the importance of this vital work, brigade commanders like Scott, personally taught their officers the elements of squad drill, so that they in turn might more thoroughly instruct the men.

[a] American State Papers, Military Affairs, vol. 1, p. 515.

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Pending preparation for renewing hostilities, the British flag still floated over the walls of Fort Niagara. Keenly alive to this national indignity, our army crossed the Niagara in July, took Fort Erie, gained the victory of Chippewa, fought the drawn battle of Lundy's Lane, fell back on Fort Erie where it was invested, raised the siege by a successful sortie, returned to the American shore after demolishing the fort, and went into winter quarters.[a]

Although the failure of this invasion must be admitted, the splendid conduct of our army fairly entitled it to the highest praise. Composed largely of regulars who had seen service in the field, and led by Brown, Scott, and Ripley, the troops proved that American soldiers, thoroughly trained and ably commanded, were equal, if not superior, to the veteran troops of England.

At the battle of Lundy's Lane our losses, out of about 3,000 men in action, were: Regulars killed and wounded, 691; volunteers, 57; total, 748.

The British force engaged, including 1,200 militia and 500 Indians, was 5,000; their losses were 878.

The losses on both sides in this the most hotly contested battle of the war of 1812, did not reach 25 per cent.

In our late civil war a veteran regiment that lost less than 25 per cent would scarcely have considered itself seriously engaged.

MILITARY OPERATIONS ON THE NORTHERN FRONTIER.

The first invasion of Canada in 1814 was planned from the northern frontier.

On the 30th of March, Wilkinson, with nearly 4,000 regulars, crossed the boundary and attacked La Colle Mill, but being repulsed with a loss of 154 killed and wounded, he fell back on Plattsburg.

The order for this movement, dated March 29, reveals this general's opinion of the troops under his command.

> The army will enter Canada to-morrow to meet the enemy. * * * Let every officer and every man take the resolution to return victorious or not at all; for with double the force of the enemy this army must not give ground.

In each platoon, he added, "a tried sergeant will form a supernumerary rank and will instantly put to death any man who gives back."[b]

The following day, without putting the courage of his soldiers to a severe test, the commander suffered himself to be checked by 180 men stationed in a stone mill, and shortly after retired from the Army.

On the 29th of August his successor, General Izard, in obedience to orders from the Secretary of War, marched from Plattsburg at the head of nearly 4,000 men for Sackett's Harbor.

This detachment of the main army at the moment the enemy was preparing to advance up Lake Champlain, reduced our military strength at Plattsburg to 1,500 effectives.

In this official report General Macomb states:

> I had commanded a fine brigade which was broken up to form the division of Major-General Izard, ordered to the westward. Being senior officer he left me in

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[a] After the siege was raised our army was increased to nearly 6,000 men under General Izard, who had arrived from Plattsburg. This commander, although a regular officer of more than usual experience, lacked the self-confidence to avail himself of his superior numbers, and therefore withdrew unmolested between the 1st and 5th of November.

[b] Wilkinson's Memoirs, vol. 3, Appendix No. XI.

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command; and, except the four companies of the Sixth Regiment, I had not an organised battalion among those remaining; the garrison was composed of convalescents, and the recruits of the new regiments—all in the greatest confusion, as well as the ordnance and stores, and the works in no state of defense.[a]

The discomfiture of this force, subsequently augmented by militia and volunteers to 3,500 men, was only averted by the interposition of the navy.

On the 11th of September the governor-general at the head of an army of 11,000[b] veterans, mostly from the Spanish Peninsula, had begun an attack, when the total destruction of his fleet by Commodore McDonough broke his line of communications and immediately compelled him to return to Canada.

In this combined victory of Plattsburg our losses on land were 99[c] killed and wounded. The loss of the British was 187 killed and wounded, 55 missing, and more than 800 prisoners,[d] chiefly deserters.

The influence of McDonough's victory in compelling the British to retreat is fully explained by Sir George Prevost in his official report:

Scarcely had His Majesty's troops forced a passage across the Saranac and ascended the height on which stand the enemy's works when I had the extreme mortification to hear the shout of victory from the enemy's works, in consequence of the British flag being lowered on board the *Confiance* and *Linnet*, and to see our gunboats seeking their safety in flight. This unlooked-for event deprived me of the cooperation of the fleet, without which the further prosecution of the service was become impracticable. I did not hesitate to arrest the course of the troops advancing to the attack, because the most complete success would have been unavailing, and the possession of the enemy's works offered no advantage to compensate for the loss we must have sustained in acquiring possession of them.[e]

The power of a governor to embarrass military operations in time of actual invasion, when by the Constitution the Government has the only undoubted and justifiable right to call out the militia, was illustrated by the action of the governor of Vermont in the year 1814. According to Ingersoll:

The governor, Martin Chittenden, was an adherent of Governor Strong and his doctrines. On the 1st of September, when the British army began its advance to Plattsburg, and General Macomb sent an express, earnestly calling on Governor Chittenden for aid, not to invade Canada, but defend Vermont, he, then at Burlington, the State capital, resolved to do nothing but go home to his residence at Jericho and there disgracefully wait events. On the 4th of September, Macomb, by another express, renewed his instances, informing the governor that the enemy had that day marched to attack Plattsburg. An officer of the militia, General Newell, tendered his brigade to the governor, to repair to Plattsburg, or anywhere else, to oppose the enemy, to which the governor's cold-blooded answer was, that he had no authority to order the militia to leave the State. On the 6th of September the cannonade, then begun, was distinctly audible at Burlington, and at Governor Chittenden's residence at Jericho. But housed and recreant there, the chief magistrate still held off, when the people, on their own spontaneous motion, in numbers crossed the lake and, following the cannonade, hurried to Plattsburg, without distinction of party, to tender their services for their country. The reports at Jericho then were that the enemy had forced his way over the Saranac, and Macomb, in imminent peril, was in great distress for reenforcements.

On Sunday, the 11th, when it was apprehended that Plattsburg had fallen, the governor was careful to say that he had neither ordered nor advised the volunteers to go there. He stood skulking behind constitutional demurrer and unmanly pretext

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[a] Fay's American War, p. 241.

[b] James's Military Occurrences, between Great Britain and the United States, vol. 2, p. 206.

[c] A. G. O.

[d] James's Military Occurrences, between Great Britain and the United States, vol. 2, p. 223, and official report, 446.

[e] James's Military Occurrences, between Great Britain and the United States, vol. 2, p. 463.

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till the whole region was in a ferment of exultation, not only that the enemy was defeated and driven back to Canada, but that Vermont volunteers, under General Strong—strictly and emphatically volunteers, for they had neither orders nor countenance from the commander in chief, had bravely resisted the attack at Plattsburg, shared in the pursuit to Chazy, and shared too in the plentiful spoils captured at every stage of hostile flight.[a]

The retreat of the British from Lake Champlain, followed a little more than a month later by the withdrawal of our Army from Fort Erie, terminated all schemes of invasion and counter-invasion along the Canadian frontier.

THE CAPTURE OF WASHINGTON.

No better example can be given of the mismanagement of this war, than the measures adopted by the President and his Cabinet for the defense of the Capital in 1814.

Although a British fleet, with about 3,000 troops on board, had been hovering along the shores of the Chesapeake for nearly a year, it was not until June that the attention of the Administration was first turned to the danger that confronted the capital. It was then found by the Secretary of War that the regular troops in the Fifth Military District, embracing the States of Maryland and Virginia, numbered but 2,208 men. These troops, composed to a large extent of recruits, were dispersed at various points along the Cheseapeake, from Baltimore to Norfolk, and were therefore incapable of speedy concentration.

June 7, the President presented this exhibit of the troops to the Cabinet, but it neither suggested any action nor excited any alarm.

The downfall of Napoleon having made it possible for Great Britain to reenforce her troops in America, the President convened the Cabinet on the 1st of July, and submitted the proposition to call out 2,000 or 3,000 militia to be stationed near the capital; while from 10,000 to 12,000 troops from Maryland, Virginia, and the District of Columbia, were to be held in readiness to march at a moment's notice.

From the report of the committee of the House of Representatives "appointed to inquire into the causes of the success of the enemy in his recent enterprises against this metropolis (Washington)," it appears that "the measures suggested were approved by the heads of the Departments; or, in other words, it does not appear that any dissent was expressed."[b]

July 2, the Tenth Military District was created, consisting of the State of Maryland, the District of Columbia, and that part of Virginia lying between the Rappahannock and the Potomac.

The command of the new District was devolved upon General Winder, whose selection, according to the statement of the Secretary of War, was based "not on the ground of distinguished professional service or knowledge," but simply on a presumption that, "being a native of Maryland and a relative of the governor, Brigadier Winder would be useful in mitigating the opposition to the war, and in giving an increased efficiency to national measures within the limits of the State."[c]

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[a] Ingersoll's Second War, vol. 2, p. 133.
[b] American State Papers, vol. 1, p. 524.
[c] Armstrong's Notices of the War of 1812, vol. 2, p. 140.

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July 4, a circular was issued to the governors of States, in the interior as well as along the seaboard, inviting them "to hold in readiness for immediate service a corps of 93,500 men."[a]

July 9, General Winder, whose utmost field force of regular troops he represented in his entire district at from 700 to 800 men, suggested that 4,000 militia should be called out, to be stationed in two equal portions—one between South River and Washington, the other in the vicinity of Baltimore.[b]

July 12 and 17, General Winder was authorized "in case of actual or menaced invasion of the district under his command," to call out the entire Maryland quota of 6,000, as also 2,000 from Virginia, 2,000 from the District of Columbia, and 5,000 from Pennsylvania—in all 15,000 men.[c]

In conveying this authority to General Winder, the Secretary of War expressed "the wish of the President that not less than 2,000, nor more than 3,000 of the drafts under the requisition of the 4th of July, should be embodied and encamped at some point between Baltimore and Washington."[d]

July 20, General Winder reported to the Secretary of War that he had "deemed it advisable to call for the largest number directed by the President, supposing that by this means we might possibly get the lowest (2,000)."[e]

July 25, the Secretary of State of Pennsylvania, reported to the Secretary of War that the repeal of the State militia law of 1807, and the substitution of another, "causes an almost total disorganization of our military system, between the 1st of August and the 4th of October, and presents difficulties, in yielding perfect compliance with the requisition of the President insurmountable."[f]

August 13, General Winder reported to the Secretary of War, that under his call upon the Governor of Maryland for 3,000 men, the number drafted would not exceed 1,000. August 20, General Winder's call for the militia en masse was approved. August 21, the troops were mustered and had the Articles of War read to them. August 22, the troops were reviewed by the President, accompanied by the Cabinet.

On the 24th of August the army described by its commander as "suddenly assembled without organization," or discipline, or officers of the least knowledge of service,[g] numbered 5,401,[h] of whom 400[i] were regulars, 600 marines, and 20 sailors, the remainder being volunteers and militia.

The same day the army thus hastily assembled was as hastily formed in order of battle at Bladensburg, where, in the presence of the President and the Cabinet, it was attacked and routed with the loss of but 8 killed and 11 wounded.[h]

By way of contrast between disciplined and undisciplined troops, the following extract is inserted from Ingersoll's account of the battle

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[a] American State Papers, vol. 1, p. 549.
[b] American State Papers, vol. 1, p. 543.
[c] American State Papers, vol. 1, p. 524.
[d] American State Papers, vol. 1, p. 525.
[e] American State Papers, vol. 1, p. 544.
[f] American State Papers, vol. 1, p. 551.
[g] Armstrong's Notices of the War of 1812, vol. 2, p. 152.
[h] A. G. O.
[i] American State Papers, vol. 1, p. 526.

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of Lundy's Lane, fought but a month previous to the catastrophe at Bladensburg: "All that remained of the first brigade after that terrible conflict did not exceed 220 men,—the Ninth, Eleventh, and Twenty-second regiments consolidated under Major Leavenworth, not altogether 100. Many of the cartridges with which the Americans fired, when attacked on the hill, were taken from the cartridge boxes of the English lying dead around them. Men and officers, after five hours' constant fighting, were completely exhausted, and many almost fainting with thirst. There was no water nearer than the Chippewa.

Before they marched, however, from the hill, the wounded were carefully removed, and the return to the camp behind the Chippewa was made slowly in perfect order, entirely undisturbed by the enemy. Seventy-six officers were killed or wounded, and 629 rank and file; of whom the first brigade lost 38 officers, and 468 rank and file. The commander of the brigade and every regimental officer were wounded. Every officer of the brigade and regimental staff was killed or wounded. General Scott and Major Jesup had each two horses shot under them; Jesup was wounded four times severely; Scott has never entirely recovered from the wound in the shoulder; Brady, Leavenworth, and McNeill, had each a horse shot under him. No battle in America, before or since, was ever so severely contested, or attended with such casualties in proportion to numbers."[a]

The British force which landed at Benedict on the Patuxent numbered 3,500,[b] of which only a part of the advanced division of 1,500 were engaged.[c]

At 8 o'clock p. m. the day of the battle of Bladensburg the enemy, without further opposition, marched into Washington and, according to official report, set fire to the "President's palace, the Treasury, and the War Office." The next evening, after completing the destruction of the public buildings, the enemy withdrew, and on the 29th returned unmolested to his shipping. In connection with this humiliating event, and as furnishing undoubted proof that our repeated disasters in every war have been due to the inability of our most eminent citizens and statesmen to appreciate the value of military education and discipline, it should be stated that in 1808, when our relations with Great Britain first became threatening, President Thomas Jefferson, who, as governor of Virginia during the Revolution, was unable to offer the slightest opposition to the capture of the State capital by Benedict Arnold, assured Congress in his last annual message that—

> For a people who are free and who mean to remain so, a well organized and armed militia is their best security.

In 1809, a year after, the Army having been reduced by one-half, the same illustrious statesman proclaimed that—

> None but an armed nation can dispense with a standing army; to keep ours armed and disciplined is therefore at all times important.

The military reader will readily discover the similarity between the measures adopted for the defense of the capital at Philadelphia in 1777 and at Washington in 1814.

In both cases the enemy approached by the Chesapeake; in both cases Congress and the President, as the Chief Executive of the nation,

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[a] Ingersoll's Second War, vol. 2, p. 99.
[b] A. G. O.
[c] Admiral Cockburn's Report, James's Military Occurrences, vol. 2, p. 498.

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turned to the States for assistance; in both cases, instead of calling the troops into the field when the enemy's object was first discovered, Congress and the President sought to economize by inviting the States "to hold the militia in readiness to march at a moment's notice;" in both cases, when the critical moment arrived, the militia was powerless in the presence of a disciplined foe, and in both cases the want of an adequate regular army caused the capital to fall into the hands of our enemies.

Wherever news of the capture of Washington was received it justly excited the indignation of all parties. The people had given to their representatives, before and during the war, unlimited power to raise and support armies; the trust had been abused; the honor of the nation had been wounded. Unable to trace the real cause of the calamity to the defects of military organization, the people satisfied themselves with laying the blame on the Secretary of War, who was compelled, in disgrace, to retire from the Cabinet.

The Secretary of War, like General Smyth, fell a victim to his mistaken reliance on raw troops. The latter, as described by the Secretary, was compelled after his failure in 1812 to flee from the Army, "hissed and hunted"[a] to his home in Virginia.

"The sarcastic Secretary of War, as soon as the conquerors withdrew to their ships, accused of treason, was driven away by what he called a village mob, and not suffered even to resign at Washington, but advised by the President, and forced by popular indignation, to fly to Baltimore to do it."[b]

The movement against the capital was followed on the 13th and 14th of September by a combined land and naval attack upon Baltimore, where, being confronted by a line of entrenchments as well as by better dispositions, the enemy withdrew, after suffering a loss of 319 killed and wounded, embracing, among the former, General Ross, the commander of the military forces.

In October the British fleet, with the troops on board, left the Chesapeake and sailed for Jamaica.

The repulse of the enemy at Baltimore, and the return of our Army from Fort Erie, were the last operations of any magnitude immediately preceding the treaty of peace, which was signed at Ghent on the 24th of December.

EXERCISE OF COMMAND BY THE SECRETARY OF WAR.

The fall of the Secretary of War suggests another abuse in our military system, from which both the country and the Army have suffered, especially whenever a citizen of military experience has been at the head of the War Department.

The law creating this Department and prescribing the duties of its chief leaves no room to doubt that nothing could have been further from the intentions of Congress than to bestow upon a civil officer, subordinate to the President, the right to exercise military command.

Nevertheless, the failure to create the grade of General in Chief, tempted, if it did not compel, the Secretary to assume, in the Cabinet and in the field, the position of generalissimo of our forces. During

[a] Armstrong's Notices of the War of 1812, vol. 2, p. 113.
[b] Ingersoll's Second War, vol. 2, p. 170.

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the first year of the war, in the absence of a competent military adviser to the President, the plans of campaign were mostly determined by consultations of the Cabinet.

During the second year the responsibility was assumed by General Armstrong, a new Secretary, whose claim to public confidence was based chiefly on his experience as an officer of the Continental Army. As soon as he assumed office the vast and important duty of organizing our armies and providing their supplies engaged only a share of his attention. He devised all the plans of campaign, submitted them to the approval of the President, transmitted them to the military commanders, and finally, as in the autumn of 1813, repaired to the field to superintend their execution.

His first interview with General Wilkinson at Sackett's Harbor was attended by confusion and discord, and gave evidence that so long as he remained, the movements of the Army would be retarded by the ambition and jealousy of the rival commanders.[a]

On the 4th of October he insisted upon an attack on Kingston, against which the general "remonstrated warmly and freely."

Two weeks later the two commanders changed sides. Wilkinson approved and urged the attack; the Secretary of War as warmly opposed it.[b]

This attempt of the Secretary to combine and direct the movements of the armies of Wilkinson and Hampton against Kingston and Montreal, was much less calamitous than his action in collecting the forces before the opening of the campaign. It was his order to Wilkinson to withdraw most of the Regular troops from the vicinity of Fort George, and especially the fatal order to "close" with the proposition of Porter, Chapin, and McClare, who, if allowed to invade Canada with 1,000 to 1,200 volunteers, a few militia, and 4 pieces of artillery had pledged their lives to occupy the peninsula and "either capture, destroy, or disperse all of the enemy's forces in that quarter,"[c] that led to a counter-invasion, the capture of Fort Niagara, and the burning of Buffalo.

The union of the purse and the sword in the person of the Secretary of War had still other objections. As the chief of military administration it exposed him, through the want of a proper commissariat, to the temptation of maintaining armies and directing their movements in the interest of a horde of unscrupulous contractors.

The dependence of the Government upon this class of individuals may be inferred from the fact that as late as 1815 a single individual, John Swartwont, received the contract for supplying provisions for six months, to all of the armies from Niagara to Plattsburg, at the rate of 19½ cents per ration. In Louisiana and Mississippi the contract was let to a single firm, Ward & Johnson, for the same period, at 15½ to 17½ cents per ration.[d]

The arrogance and power of this swarm of parasites, who fattened upon every reverse to our arms and who necessarily had the ear of the Secretary, although to his honor no charges of fraud were made against him, were manifested as early as the campaign of 1812, when General Smyth, after his fiasco, partly explained his expulsion from

[a] American State Papers, vol. 1, p. 470.
[b] American State Papers, vol. 1, p. 472, 473.
[c] American State Papers, vol. 1, p. 468.
[d] American State Papers, vol. 1, p. 624.

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the Army by stating in his official report, "the volunteers, and neighboring people, were dissatisfied, and it has been in the power of the contractors' agent to excite some clamor against the course pursued; he finds the contract a losing one at this time, and would wish to see the Army in Canada, that he might not be bound to supply it."[a]

The evils and dangers of a supply system which enabled a contractor, whenever he disapproved of the actions or conduct of a military commander, to appeal to a war minister, who assumed the right to order and dispose armies as he saw fit, were further presented by General Scott in a letter submitted to Congress by Mr. Monroe:

> In time of war contractors may betray an army; they are not confidential and responsible agents appointed by the government. The principal only is known to the war office, and therefore may be supposed to be free from this objection; but his deputies and issuing agents are appointed without the concurrence or knowledge of the general or the government. The deputies or issuing agents are necessarily as well acquainted with the numerical strength of the army to which they are attached as the adjutant-general himself. For a bribe they may communicate this intelligence to the enemy, or fail to make issues at some critical moment, and thus defeat the best views and hopes of the commander in chief. The present mode of subsisting our armies puts the contractor above the general. If a contractor corresponds with the enemy, he can only be tried by the civil courts of the United States, as in the case of other persons charged with treason (courts-martial having decided that contractors do not come within the meaning of the sixtieth article of the Rules and Articles of War); and if a contractor fails to make issues, he can only be punished by civil actions. I speak of cases arising within the limits of the United States. In the enemy's country I suppose a general who knows his duty would not fail to hang a contractor who should, by guilty neglect or corruption, bring any serious disaster upon the army.[b]

General Gaines at the same time expressed himself still more positively:

> I have uniformly given the best attention in my power ever since the commencement of the war to the supply of rations and the conduct of contractors, and if I were called before heaven to answer whether we have not lost more men by the badness of the provisions than by the fire of the enemy, I should give it as my opinion that we had; and if asked what causes have tended most to retard our military operations and repress that high spirit of enterprise for which the American soldiers are preeminently distinguished, and the indulgence of which would not fail to veteranize our troops by the annoyance and destruction of the enemy, I should say the irregularity in the supply and badness of the rations have been the principal causes.
>
> Original contractors seem to be a privileged order of men, who, by virtue of the profits of the contract, are elevated above the drudgery which a common-sense view of the contract would seem to impose on them. They take care to secure to themselves at least 1 cent per ration, leaving a second, and sometimes a third, order of miserable under-contractors to perform the duties, and each of these must calculate on making money. Thus the contract, after being duly entered into at Washington, is bid off until it falls into the hands of men who are forced to bear certain loss and ultimate ruin, or commit frauds, by furnishing damaged provisions; they generally choose the latter, though it should tend to destroy the Army. I know the opinion of no officer on this subject who does not think with me.[c]

While for the want of proper organization of the supply departments, abuses like the above constantly jeopardized our success, there were other errors in the management of the War Department, equally destructive of unity and vigor in military operations. The assumed power to command the Army carried with it an arbitrary defiance of the well-established rules governing the transaction of official business

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[a] Fay's American War, p. 65.
[b] American State Papers, vol. 1, p. 600.
[c] American State Papers, vol. 1, p. 601.

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and necessarily led to conflict between the Secretary and military commanders. The latter, who alone should have been the medium of communication between their subordinate and the War Department, and the reverse, were not only ignored in the transmission of orders, but often found that important expeditions had been set on foot within their departments without the courtesy of an official notice.

These irregularities, which had the ill-advised sanction of the President, led in 1814 to the enforced retirement of General Harrison, who up to that time had been one of the most successful and popular commanders in the Army.

The controversy which led to this result is related by Ingersoll as follows:

> The military districts into which the United States were divided were necessarily very extensive. We have already seen that there was a project in the west, urged by Governor Shelby and favored by General Harrison, for establishing there a board of war. The President, however, thought that all the various channels of public communication centering at the seat of Government, much more accurate knowledge of affairs could always be had there than by any commander of a military district, at whatever station he might happen to be. It was deemed essential that the War Department should be able always to issue instantaneous commands, to every post, quarter, and officer, without delaying them to pass through the hands of the commander of that military district. The practice, therefore, was established of transmitting them wherever the Executive thought proper, accompanying them with mere duplicates to the commander of the district. In this way Colonel Croghan was charged with the unsuccessful expedition against Mackinaw, in the autumn of 1812, which I have not thought it necessary to dwell upon, as it produced no result to the hostilities on either side.
>
> Other such orders sent into General Harrison's district, he protested against so vehemently that it became the subject of correspondence and Executive consideration. The President finally made known to General Harrison his determination to persevere in a system which the general denounced as inconsistent with subordination, and, thereupon, tendered his resignation. As his reputation and influence at the time were imposing, he perhaps flattered himself that he would have been requested to keep his commission, and that some satisfactory arrangement would have ensued between him and the President. Mr. Madison not being at Washington when the tender of General Harrison's resignation arrived there, the Secretary of War, General Armstrong, who did not esteem General Harrison, and had the President's authority to persevere in the obnoxious system of orders, instantly accepted General Harrison's resignation, and suggested General Jackson to supply the vacancy. Thus closed the military career of William Henry Harrison.[a]

The unauthorized acceptance of the resignation of a general officer who was commissioned in the Army, not by the pleasure of the President alone, but by and with the advice and consent of the Senate, was simply in keeping with the assumption by the Secretary of the other military prerogatives of the President.

Those who care to investigate the relations of the Secretary of War to the personnel of the Army will find by a reference to the American State Papers that from February, 1813, to August, 1814, he rarely referred to the authority of the President; that to Dearborn, Wilkinson, Harrison, and Hampton he issued orders in his own name governing the movements of their armies, and that in every respect he held them in the relation of strict military subordinates. This assumption of authority he continued till the battle of Bladensburg, where, after having taken an active part in disposing the troops, his usurpations were brought to a close in a manner best explained by himself:

> Arriving on the retreat at Capitol Hill, a meeting and consultation took place between the Commanding General, the Secretary of State, and the Secretary of War,

[a] Ingersoll's Second War, vol. 1, pp. 189, 190.

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in which the person last mentioned recommended a speedy occupation of the Capitol and adjacent houses as a position capable of a powerful defense, and even redoubtable against a force coming, as the British did, without artillery, baggage, or provision train, and, of course, meditating only a *coup de main*. The proposition was promptly and even peremptorily rejected by the general, on two grounds—the great diminution of his force and the fatigued and exhausted condition of what remained.

Mr. Monroe supported the opinion of the general, adding his belief (from having seen a column of the enemy moving on the western road to the capital) that they would drive us into a *cul de sac* unless we took the position recommended by the general, which left open the west for retreat. Finding the majority of the council two to one, and having that morning received the President's order "*to leave to the military functionaries the discharge of their own duties, on their own responsibility,*" the Secretary of War no longer opposed the retreat to Georgetown."[a]

The above order, whereby, on the eve of a great national catastrophe, the President resumed the Constitutional powers, which Congress never intended he should delegate to a subordinate, was but a repetition of the written directions he had given as early as the 13th of August, "that the Secretary of War should give no order to any officer commanding a district, without previously receiving the Executive sanction."[b]

OPERATIONS OF THE NAVY.

The operations of the Navy during the year 1814 entitled it to the continued applause and gratitude of the nation.

In April the *Peacock* captured the *Epervier;* in July the *Wasp* captured the *Reindeer*, and shortly afterwards sank the *Avon;* in September McDonough destroyed the enemy's fleet on Lake Champlain. These victories were partially offset by the loss of the *Essex* and the *President*, the former being captured by the *Phoebe* and *Cherub*, and the latter compelled to surrender to a large English squadron.

NUMBER OF TROOPS EMPLOYED IN 1814.

The troops called out during this fruitless campaign numbered:

Regulars	38,186
Militia	197,653
Total[c]	235,839

Of the militia 46,469 from the State of New York were employed on the Canadian frontier, while more than 100,000 from Pennsylvania, Maryland, and Virginia were called out to repel the incursions of the 3,500 British along the shores of the Chesapeake.

Notwithstanding these enormous drafts, such were the faults of our organization and recruitments, that the utmost strength we could put forth on the field of battle, was represented at Lundy's Lane by less than 3,000 men. Nor was this evidence of national weakness our only cause of reproach. Boasting at the outset of the contest that Canada could be "captured without soldiers, that a few volunteers and militia could do the business," our statesmen, after nearly three years of war, had the humiliation of seeing their plans of conquest vanish in the smoke of a burning capital.

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[a] Armstrong's Notices of the War 1812, vol. 2, p. 231, 232, Appendix.
[b] Ingersoll's Second War, vol. 2. p. 165.
[c] Adjutant-General's Office.

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CHAPTER XII.

CAMPAIGN OF 1815.

This campaign opened and closed with the only brilliant victory of the war, won at the battle of New Orleans on the 8th of January, two weeks after the conclusion of the treaty of peace.

The British loss was about 2,000 killed and wounded; our own, 7 killed and 6 wounded.[a]

In this remarkable battle the forces of General Jackson occupied both banks of the Mississippi immediately below the city of New Orleans. The main body was posted on the east bank behind a line of intrenchments from 5 to 8 feet high, and extending from the river on the right to an impenetrable cypress swamp on the left. Those works were little more than 1,000 yards long, and were thrown up on the edge of a canal, which served as a wet ditch, the water of which varied in depth from 1 to 5 feet. Along the front of this short line fifteen guns were posted in nine different batteries containing from one to three guns each. Of these batteries four were served by the regular artillery and infantry, two by the former marines and sailors of the U. S. S. *Carolina*, and one by trained privateersmen. In support of these batteries there were two regiments of regular infantry and detachment of marines, numbering about 700 men.

The extreme right and left of the line, on which the burden of the attack fell, were occupied, respectively, by regulars and militia. In front of the works, still adding strength to their position, the ground was nearly level and smooth as a glacis.

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[a] In British Campaigns, by Captain Gleig, a British officer, the following exhibit is given (p. 419) of the British forces that landed below New Orleans in December, 1814, and January, 1815, viz:

Fourth Regiment, King's Own	750
Seventh Regiment, Royal Fusileers	850
Fourteenth Regiment, Duchess of York's Own	350
Twenty-first Regiment, Royal N. British Fusileers	900
Fortieth Regiment, Somersetshire	1,000
Forty-third Regiment, Monmouth Light Infantry	850
Forty-fourth Regiment, East Essex	750
Eighty-fifth Regiment, Bucks Volunteers, Light Infantry	650
Ninety-third Regiment, Highlanders	1,100
Ninety-fifth Regiment, Rifle Corps	500
First West India Regiment	700
Second West India Regiment	700
Sixty-second Regiment, detachment of	350
Rocket Brigade, artillery, drivers, engineers, sappers, and miners	1,500
Royal Marines	1,500
Sailors taken from fleet	2,000
Total	14,250

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On the west bank of the river the works, with the exception of a battery, manned by sailors, commanded by a commodore of the Navy, were defended exclusively by militia.

To meet the crisis that was approaching and on which the fate of the city depended, the Government, as at Bladensburg, could do nothing for the commander except to send him raw troops. In the Kentucky brigade which arrived but four days before the battle, such was the destitution that "not one man in ten was well armed, and only one man in three had any arms at all."[a]

Despite all of his difficulties, such was the indomitable energy and perseverance of the commander that on the morning of the battle the force he had collected, consisting of Regulars, volunteers, militia, marines, sailors, and privateers, numbered 5,698 men.[b] With these posted behind works so formidable that no one but a reckless or infatuated commander would have hazarded an assault, he awaited the onset of 8,000 veterans, the flower of the British army. The struggle was soon over. In the brief space of twenty-five minutes the enemy lost 2,100 killed and wounded, followed after the cessation of the firing by the surrender of 500 prisoners. The survivors of the assaulting columns, bereft of their general and nearly all of their commanding officers, fled in the wildest confusion and disorder. This terrible slaughter was attended on our side by the loss of but 7 killed and 6 wounded.

While the nation had reason to exult over so signal a victory, the battle in no sense vindicated a dependence on raw troops. It only proved, as at Bunker Hill, that with trained officers to command them, with an effective artillery and regular troops to support and encourage

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[a] Parton's Life of Andrew Jackson, vol. 2, p. 168.

[b] Of this number only 884 were regular troops. The following organization of Jackson's army is believed to be as nearly correct as is possible from existing data.—EDITORS.

Jackson's Army:	
Regular forces—	
Marines, Lieutenant Bellevue	66
Detachment Artillery, Colonel McRea	22
Seventh Regiment, Major Peire	465
Forty-fourth Regiment, Captain Baker	331
	884
Major Planche's Battalion—	
Carabiniers, Captain Roche	86
Dismounted Dragoons, Major St. Geme	78
Louisiana Blues, Captain White	31
Francs, Captain Hudry	33
Chasseurs, Captain Gurbert	59
	287
Battery St. Domingo Men of Colour, Major Daquin	210
Choctaws, Captain Jugeant	18
	228
General Coffee's Brigade—	
Tennessee Volunteer Mounted Riflemen	563
Orleans Rifle Company, Captain Beale	62
Mississippi Dragoons, Major Hinds	107
	732
Total	2,131
Kentucky Militia, reinforcements	2,250
Louisiana Militia, reinforcements	1,317
Grand total	5,698

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them—above all, when protected by works so formidable that nothing but a regular siege should have dislodged them—advantages of position may compensate for an utter lack of instruction and discipline.

Agreeable as it might be to give the entire credit of this battle to raw troops, their heroic commander knew so well the uncertainty of their conduct in the open field that he was obliged to accept the advantages of a mere passive defense.

In fact, at the very moment when the men from their breastworks were cheering over a victory still unparalleled in our history, at a time, too, when the advance of a skirmish line might possibly have compelled the surrender of the British army, the commander had the mortification of seeing the division on the west bank of the river "abandon their position and run in headlong flight toward the city."[a]

In a firm address to the fugitives, whose conduct might have been fatal to the city but for the decisive repulse on the other side, he told them that "the want of discipline, the want of order, the total disregard to obedience, and a spirit of insubordination, not less destructive than cowardice itself, are the causes which led to the disaster, and they must be eradicated, or I must cease to command."[b]

The number of troops employed in the year 1815 was:

Regulars	[c]33,424
Militia	[c]33,641
Total	67,065

OPERATIONS OF THE NAVY.

The victory of New Orleans, which terminated the battles on land, was followed on the 20th of February by the double victory of the *Constitution* over the frigate *Cyane* and sloop of war *Levant*.

March 23 the last success of the Navy was achieved in the capture of the *Penguin* by the *Hornet*.

Throughout this second conflict with Great Britain, while our military operations with but few exceptions were defensive, the Navy on the contrary carried on from the beginning a bold and successful warfare. Its victories over the enemy's armed vessels were not the only claims it had to the praise of the nation. In support of a large and gallant fleet of privateers it turned its guns so successfully against the enemy's commerce that "in less than three years of our war the captures by sea from England, besides 56 vessels of war, mounting 886 cannons, were 2,369 merchant vessels, with 800 cannons, 354 ships, 610 brigs, 520 schooners, and 135 sloops, besides 750 vessels of various sizes recaptured, altogether 2,425 vessels, with incalculable amount of cargoes, stores, provisions, and equipments, and many thousand prisoners of war."[d]

On the land, too, it prepared the victory of the Thames, and saved the army from defeat at Plattsburg, while its marines and sailors at Norfolk, Bladensburg, Baltimore, and New Orleans afforded evidence that to their subordination and courage was due the luster they had won for our name on the sea.

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[a] Parton's Life of Andrew Jackson, vol. 2, p. 213.
[b] Goodwin's Life of Andrew Jackson, p. 153.
[c] Return for February, 1815, Adjutant-General's Office.
[d] Ingersoll's Second War, vol. 2, p. 117.

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Crippled in the element where before he had deemed himself invincible, our enemy was made to seek peace at the hands of that branch of the national defense, which under the Constitution has thus far in our history been provided and maintained exclusively by Congress.

NUMBER OF TROOPS EMPLOYED DURING THE WAR.

The number of troops employed at different times from the beginning to the end of the war was:

Regulars (including about 5,000 sailors and marines)	56,032
Volunteers	10,110
Rangers	3,049
Militia	458,463
Total	527,654

The figures for volunteers, rangers, and militia (471,622) were furnished by the Adjutant-General's Office and represent the number of men who, according to the rolls of the Third Auditor's Office, were actually discharged from the service. The strength of the Regulars was obtained by subtracting 471,622 from 527,654, which, according to the rolls of the Pension Office, was the total number of soldiers, sailors, and marines in the service from 1812 to 1815. The return for September, 1814, represented the strength of the Regular Army at 38,186.

The terms of service of the troops were as follows, for—

12 months or more, including sailors and marines	63,179
6 months or more	66,325
3 months or more	125,643
1 month or more	125,307
Less than 1 month	[a] 147,200
Total	527,654

The officers of this Army of more than half a million of men numbered:

Regulars	2,271
Volunteers, rangers, and militia	31,210
Total	33,481

The number of officers who had received a professional education at the Military Academy up to June, 1814, was 120.

In default of an efficient regular army, the number 458,463 shows to what extent the Administration was compelled to rely upon the States in pursuance of the military system of 1792; the number 398,150, which represents the number of men who served for periods less than six months, shows but partially to what extent we adopted, as in the Revolution, the policy of raw troops and short enlistments.

If we resolve the army of 527,654 men into different arms of service, it appears that while Congress in March, 1814, reduced the regular cavalry to 981 men, the number of militia and volunteer cavalry, mounted infantry, and rangers, numbered 46,495.[b]

[a] Report of Commissioner of Pensions for 1874, p. 30.
[b] Adjutant-General's Office.

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The half filled corps of regular artillery of 12 battalions, had it been raised to its maximum, would have numbered 5,940; the volunteer and militia artillery from first to last numbered 25,295. The total Regular Army, which was scattered from the Atlantic to the Mississippi, and from the lakes to the Gulf of Mexico, was never recruited above 40,000 men; the militia and volunteer infantry and riflemen, numbered 394,232.

The failure of Congress, at the beginning of the war, to declare in favor of territorial recruitment and obligatory service, affords another result equally striking. The army voted in January, 1812, was 35,000 men; the number of inexperienced officers ultimately called out and whose average pay was at least four times that of the private soldier, was 33,481.

Instead of falling upon the 5,000 British regulars who held Canada, at the beginning, and crushing them in a single battle, we allowed them to baffle every attempt at invasion, and to prolong the war till our loss in killed and wounded numbered 5,614.

In contrast with our reckless extravagance in employing more than a half million of men the largest force of British regulars opposed to us was 16,500.[a]

In order that no statesman may fall into the error that numbers constitute strength; on the contrary, that he may clearly perceive that for want of wise legislation the strength of a nation may diminish while

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[a] It is exceedingly difficult to obtain from existing reports an accurate estimate of the total number of British troops in the United States during the war of 1812. But "Brannan's Letters" gives the following data, which is believed to be reasonably accurate.

British forces.

	Regulars.	Militia.	Indians.
Surrender of Fort Michilmacinac to the British, Aug. 4, 1812	46	260	715
Van Horn's defeat, Aug. 4, 1812	400	.....	(a)
Hull's surrender	1,200	.....	2,400
British in Canada, opposite Buffalo, from report of Gen. A. Smyth, Dec. 3, 1812	2,314	.....	.....
Battle of River Raisin, Jan. 22, 1813; estimate of Major McClanahan	[b]1,800	.....	.....
Siege of Fort Meigs, May, 1813	560	800	1,100
Sacketts Harbor, May 29, 1813, report of Gen. Jacob Brown	1,000	.....	.....
British Regulars at Nansemond River, Virginia; report of John Cassin, June 22, 1813	4,000	.....	.....
Queenstown, Canada, June 13, 1813; report of General Dearborn	80	200	60
British forces at Lower Sandusky, Ohio; report of General Harrison, Aug. 2, 1813	490	.....	2,500
General Proctor's British forces, near Sandwich, Upper Canada, Sept. 30, 1813; report of General Harrison	580	.....	2,000
Battle of the Thames; estimate of General Harrison	601	.....	1,000
British forces at Kingston, Canada, Oct. 28, 1813; report of General Wilkinson	1,600	500	.....
Engagement at River de French, Mar. 4, 1814	146	50	50
Engagement at Odelltown, Mar. 31, 1814	2,500	.....	.....
Engagement at Conjocta Creek, Aug. 5, 1814	1,300	.....	.....
British forces under General Drummond, at Black Rock, Canada, Aug. 7, 1814	[c]4,000	.....	.....
Battle of Bladensburg, Aug. 27, 1814; estimate of General Winder	[c]5,000	.....	.....
Battle of Plattsburg, Sept. 11, 1814	14,000	.....	.....
Battle of North Point (Baltimore), Sept. 15, 1814	8,000	.....	.....
Battle of New Orleans, Dec. 29, 1814; estimate of General Jackson	7,000	.....	.....
Battle of New Orleans, strength of British forces, given by Captain Gleig in work entitled "British Campaigns"	14,250	.....	.....

[a] Large number. [b] Including Indians. [c] Of all classes.

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its resources in men and money increase, let us briefly compare the statistics of the war of 1812 with those of the Revolution:

Population of the United States in 1775	[a] 3,000,000
Same in 1812	7,500,000
Total number of Regulars employed during the Revolution	231,771
Same during the war of 1812 (approximately)	50,000
Total number of militia employed during the Revolution	164,087
Same, including volunteers and rangers, 1812	471,622
Largest force of regulars and militia employed in any one year of the Revolution (1776) was	89,651
The same in the war of 1812 (1814)	235,839
The number of British Regulars opposed to the Continentals and militia in 1776 exceeded	20,000
The same in 1812 did not exceed	[b] 5,000
The largest force of British Regulars in the United States and Canada any one year of the Revolution (1781) was	[c] 41,586
The same during during war of 1812 (year 1814) was	[d] 16,500
The total number of United States troops employed during the Revolution was	395,858
Same in war of 1812 was	527,654

The length of the Revolutionary war, from the battle of Lexington till the cessation of hostilities pending negotiation for peace, was seven years; the same in 1812, from the declaration of war till the treaty of peace, two and one-half years. To complete the comparison the reader will recollect that the Continentals and militia in 1777 captured at Saratoga all that remained of the British army which began the invasion with 10,000 men; and that four years later the Continentals, in cooperation with the French, captured a second British army exceeding 8,000 men.

In contrast with these achievements, not to dwell on battles like Trenton, Princeton, Monmouth, Guilford Court-House, and Eutaw Springs, the only decisive victory of the war of 1812 before the conclusion of the treaty of peace was at the battle of the Thames, where the force of British regulars dispersed and captured numbered but little more than 800.

PENSIONS.

Up to the year 1871 no pensions were granted for the war of 1812 except to disabled soldiers, and to widows whose husbands had been killed in battle or died of their wounds.

The number of widows pensioned under these conditions was 4,955. The number of soldiers added to the rolls as invalids up to December 31, 1817, was 1,733; total, 6,688.

From December, 1817, to June, 1861, 9,483 invalids from various wars were added to the rolls, many of whom, according to the statement of the Commissioner of Pensions, were disabled in 1812, but whose number can not be definitely stated.

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[a] These figures are approximated. The population of the United States in 1790 was 3,929,214; in 1810, 7,239,881.

[b] Armstrong's Notices of the War of 1812, vol. 1, p. 220.

[c] This included the German troops. Sparks's Writings of Washington, vol. 5, p. 545.

[d] Armstrong's Notices of the War of 1812, vol. 1, p. 220.

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Partly through the violent opposition to the war, but more especially through the dissatisfaction attending its feeble and disastrous prosecution, the soldiers who fought for the honor of their flag were never able to inspire the respect and affection which were so freely bestowed by the people on the soldiers of the Revolution.

In 1871, however, the just and natural desire to reward the nation's defenders found expression in the law of February 14, which bestowed a pension upon every survivor who had served sixty days. The benefits of the law were also extended to every widow married before February 17, 1815, whose husband had served the same period.

The number of soldiers pensioned under this law up to June 30, 1877, was 21,767; the number of widows, 6,913; total, 28,680.[a] If to this number be added 6,688 pensioned for disability, the total number of pensioners up to 1877 amounted to 35,368.

The survivors of this army in 1874 still numbered 22,932, who received for the year ending the 30th of June the sum of $2,204,849.35. This gratuity exceeded by more than $150,000 the total expenditures for the active army in 1811, the year immediately preceding the war.

But the effect of short enlistments, or short periods of service, in forcing debt on succeeding generations appears still more clearly through the operation of the law of March 8, 1878, by which the conditions of pensions for survivors have been reduced to a service of fourteen days, with no restriction as to the date of marriage of the widows.

This modification extends the gratuity to the survivors of a large portion of the 147,200 men who are reported by the Commissioner of Pensions as having served less than a month, and also to the survivors of that portion of the 125,307 whose terms of service for want of more exact figures are reported as ranging between one and three months.

Already as the result of the new law 23,000 applications have been filed, and should all of them be granted the number of pensioners up to 1878 will be increased to 58,368[b], a figure more than double the effective strength of the Regular Army maintained at any time during the war.

Moreover, as the pay of each pensioner is $8 per month, the same as was paid to the soldiers in the field, it will be discovered that while the present generation is carrying the debt of the last war, and is supporting the invalids of the Florida war, the Mexican war, and the rebellion, the policy of our forefathers will compel us in the present decade to disburse in gratuities more than three times the sum paid to the Regular Army between the years 1812–1815. But the drain on the national resources will not cease with the present decade. The removal of all restrictions in reference to the date of marriage may make it possible for widows to remain on the rolls of the Pension Office for

[a] Statement furnished by Commissioner of Pensions, Aug. 8, 1878.
[b] This figure does not include pensioners of the Navy and privateers.

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more than a century and a quarter after the discharge of the last soldier from active service.[a]

COST OF THE WAR.

As the surest means of enabling the reader to appreciate the cost of the war, and to aid him in forming an opinion in regard to the mistaken economy of our system, the following table is inserted, showing the total expenditures of the government in the departments of war and of the navy from 1791 to 1816, inclusive.

Year.	War.	Navy.
1791	$632,804.03	$175,813.88
1792	1,100,702.09	109,243.15
1793	1,130,249.08	80,067.81
1794	2,639,097.59	61,408.97
1795	2,480,910.13	410,562.03
1796	1,260,263.84	274,784.04
1797	1,039,402.46	382,631.89
1798	2,009,522.30	1,381,347.76
1799	2,466,946.98	2,858,081.84
1800	2,560,878.77	3,448,716.03
1801	1,672,944.08	2,111,424.00
1802	1,179,148.25	915,561.87
1803	822,055.85	1,215,230.53
1804	875,423.93	1,189,832.75
1805	712,781.28	1,597,500.00
1806	1,224,355.38	1,649,641.44
1807	1,288,685.91	1,722,064.47
1808	2,900,884.40	1,884,067.80
1809	3,345,772.17	2,427,758.80
1810	2,294,323.94	1,654,244.20
1811	2,032,828.19	1,965,566.39
	35,669,930.65	27,515,569.65
1812	11,817,798.24	3,959,365.15
1813	19,652,013.02	6,446,600.10
1814	20,350,806.86	7,311,290.60
1815	14,794,294.22	8,660,000.25
1816	16,012,096.80	3,908,278.80
Total	82,627,009.14	30,285,584.40
Grand total	118,296,939.79	57,801,104.05

From the above table it will be perceived that while through motives of economy and dread of a standing army, the expenditures of the Government for the twenty-one years preceding the war, amounted to $35,669,930.65; the same for the ensuing five years amounted to $82,627,009.14.

The expenditures for the Navy during the preceding eighteen years was $27,150,424.81; the same during the ensuing five years, which were largely increased by our failures on land, were $30,285,534.40.

[a] From Annual Report of the Commissioner of Pensions, June 30, 1903.—EDITORS.

The number of pensioners in 1903 and amounts paid, according to wars, is as follows:

	Pensioners.	Amounts paid.
War of the Revolution	5	$70,000,000.00
War of 1812	1,116	45,186,197.22
Indian wars	4,734	6,234,414.55
Mexican wars	13,874	33,483,309.91
Civil war		2,878,240,400.17
Invalids	708,456	
Widows	248,390	
Spanish war		5,479,268.31
Invalids	9,200	
Widows	3,662	
Regular establishment:		
Invalids	9,170	
Widows	2,938	
Total	996,545	3,038,623,590.16

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Conclusive as these figures should be, a more exact idea of the penalty inflicted on the people through the neglect of military preparation, may be formed by a reference to the gross expenditures of the Government from the year 1811 to 1823. These show that, beginning with the year 1811, when the annual expenditures including all departments of the Government, averaged $13,000,000, they jumped to $39,000,000 in 1813; $48,000,000 in 1816, and then declining to $35,000,000 in 1818, only reached the normal limit in 1823, when, through the natural development of the country, they amounted to $15,300,000.

During the intervening eleven years, allowing a progressive increase of $200,000 for national growth, the difference between the normal and actual expenditures of the Government amounted to more than $198,000,000.

These figures, which do not embrace the millions paid for pensions since 1823, may be accepted with slight variation as the immediate cost of the war.

Had Congress from 1808 to 1811 applied one-fourth of this sum to the maintenance of an army of 15,000 men, so organized as to have been capable of expansion by the aid of voluntary enlistments and obligatory service to double or triple its numbers, there is little reason to doubt that Canada would have been ours, and the war brought to a close on a single campaign.

LESSONS OF THE WAR.

The lessons of the war are so obvious that they need not be stated. Nearly all the blunders committed were repetitions in an aggravated form of the same blunders in the Revolution, and like them had their origin either in the mistakes or omissions of military legislation.

In the war under the Confederation Congress in its own name could not raise a dollar, nor arm and equip a single soldier. Under the Constitution, it had the sovereign authority to call forth the entire financial and military resources of the people.

In one war, with a debt of $200,000,000 the nation became bankrupt at the end of five years; in the other, a debt of nearly equal magnitude was contracted in two and one-half years.

In the first war, notwithstanding the steady decline of our military strength two British armies of more than 6,000 men each, were made captive; in the other, less than 5,000 men, for the period of two years brought war and devastation into our territory, and successfully withstood the misapplied power of 7,000,000 of people.[a]

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[a] The following pencil notes of Gen. James A. Garfield and Gen. William T. Sherman, on General Upton's original manuscripts, are added as being of interest.—EDITORS.

"I renew the suggestion that a further statement of the composition of the British forces against us ought to be made.

"J. A. G."

"A compliance with General Garfield's suggestion will strengthen your argument. Many strong men will contest your conclusions by charging the lamentable failure of the war of 1812 to other causes than false legislation; to want of skill by generals and officers, such as the want of concert of action and dispersion of our strength, the want of men of action as leaders, rather than want of wisdom in council. I doubt if you will convince the powers that be, but the facts stated, the references from authority, and the military conclusions are most valuable, and should be printed and made accessible. The time may not be now, but will come, when these will be appreciated, and may bear fruit even in our day.

"W. T. SHERMAN."

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CHAPTER XIII.

MILITARY POLICY OF THE UNITED STATES FROM THE WAR OF 1812 TO THE FLORIDA WAR.

REORGANIZATION OF 1815.

As soon as hostilities ceased the Army was reduced, and the peace establishment fixed by the act of March 3, 1815. The first three sections of the act were as follows:

1. That the military peace establishment of the United States shall consist of such proportions of artillery, infantry, and riflemen, not exceeding, in the whole, ten thousand men, as the President of the United States shall judge proper, and that the Corps of Engineers, as at present established, be retained.

2. That the corps of artillery shall have the same organization as is prescribed by the act passed the 30th of March, 1814, and the regiment of light artillery the same organization as is prescribed by the act passed the 12th day of April, 1808; and that each regiment of infantry and riflemen shall consist of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, and two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, and one second lieutenant, four sergeants, four corporals, two musicians, and sixty-eight privates.

3. That there shall be two major-generals and four brigadier-generals; the major-generals to be entitled to two aids-de-camp, and the brigadier-generals to one aid-de-camp; each to be taken from the subalterns of the line; four brigade inspectors and four brigade quartermasters, and such number of hospital surgeons and surgeon's mates as the service may require, not exceeding five surgeons and fifteen mates, with one steward and one ward master to each hospital. The brigade inspectors appointed under this act shall be taken from the line, and the brigade quartermasters, the adjutants, regimental quartermasters, and paymasters, from the subalterns of the line.[a]

* * * * * * *

So far as the line of the Army was concerned, a marked contrast will be observed between the laws of 1815 and those immediately subsequent to the Revolution. By the latter, all knowledge of the military art was practically extinguished, by reducing the Army to 80 persons, after which a small force of less than 1,000 men was created, whose doubtful existence was prolonged for successive periods of three years.

The law of 1815, on the contrary, at once declared in favor of a permanent peace establishment of not less than 10,000 men. Great as was this advance for the time, the organization was still radically defective. The law totally suppressed the Adjutant-General's and Topographical Department; abolished the Inspector-General's Department, substituting therefor 4 brigade inspectors; also abolished the

[a] Callan's Military Laws of the United States, 1776 to 1863, secs. 1, 2, 3, p. 266.

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Quartermaster-General's Department, substituting in its place 4 brigade quartermasters, who, like the brigade inspectors, were, from motives of economy, to be selected from the line.

These defects were partially remedied by the construction that the law did not apply to the Ordnance, Purchasing, and Pay departments, as also to judge-advocates and chaplains.

The evils were still further diminished by the authority of the President, who ordered the provisional retention of 1 adjutant and inspector-general, 2 adjutants-general, 1 quartermaster-general, and 2 deputy quartermasters-general.

These temporary measures were superseded by the general reorganization of the staff, by the act of April 24, 1816, which made the General Staff consist of 1 Adjutant and Inspector-General; 1 Adjutant-General; 1 Inspector-General; 3 topographical engineers; 1 Quartermaster-General; 1 Deputy Quartermaster-General to a division; 1 assistant of each to every brigade (to "supersede the brigade quartermasters and inspector now existing"); 1 Commissary-General of Purchases; 1 Deputy Commissary to each division; 6 Assistant Commissaries of Issues, and as many military storekeepers as the service might require, their pay and emoluments to be regulated by the Secretary of War, not to exceed that of a captain of infantry; 1 Paymaster-General; 1 paymaster to each battalion of the corps of artillery who, as well as the regimental paymasters, in addition to paying their respective regiments or corps, were required to act as district paymasters.

Ordnance Department as already existing by act of February 8, 1815, viz: 1 colonel, 1 lieutenant-colonel, 2 majors, 10 captains, 10 first lieutenants, 10 second lieutenants, 10 third lieutenants, 3 judge-advocates to each division, 1 chaplain to each division, 4 hospital surgeons and 8 hospital surgeon's mates to each division, post surgeons not to exceed 12 to each division, 1 Apothecary-General, and 2 assistant apothecaries.

No rank was prescribed for any of the officers of the Commissary Department. The Commissary-General received $3,000 per annum; the deputies, $2,000; the Assistant Commissaries of Issues, $1,300.

The regimental and battalion paymasters received the pay and emoluments of majors of infantry and were selected either from the subalterns of the line or from civil life.

The law did not stop merely with the appointment of citizens as paymasters. It went far beyond, and, failing entirely to recognize the value of special and professional training in any of the staff departments, prescribed in the tenth section that "hereafter the staff of the Army may be taken from the line of the Army or from citizens."[a]

With all of its imperfections, however, the law of 1816 marked an important advance in our military system. In connection with the law of 1815 it gave us, as Washington had recommended more than thirty years before, our first permanent peace establishment, in which both the line and staff were represented.

The size, too, of the Army—fixed at 10,000, or in the ratio of little more than 1,000 men to each 1,000,000 of population—was fairly proportioned to the wants of the country. Nearly all of its higher grades were filled by officers who had acquired practical training in the war,

[a] Callan's Military Laws of the United States, p. 276.

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while through the wisdom of Congress, in increasing the Corps of Cadets in 1812, the lower grades were in future to be filled by young men who had been carefully "trained and taught all the duties of a private, noncommissioned officer, and officer."

From this moment, wherever the Regular Army has met the enemy, the conduct of the officers and men has merited and received the applause of their countrymen. It has rendered the country vastly more important service than by merely sustaining the national honor in battle. It has preserved, and still preserves, to us the military art; has formed the standard of discipline for the vast number of brave volunteers of our late wars, and, while averting disaster and bloodshed, has furnished us with military commanders to lead armies of citizen soldiers, whose exploits are now famous in the history of the world.

TRANSMISSION OF THE PRESIDENT'S ORDERS TO THE ARMY.

The undefined relation of the Secretary of War, to the Army, and the consequent irregularity in issuing and transmitting orders, were the cause of much unnecessary confusion, not only during the War of 1812, but also after its close. These irregularities, however, were not prominently brought out until General Jackson took action, in 1817.

The trouble began in 1814, when an order was issued from the War Department, signed by a Deputy Inspector-General, which, without being transmitted through the division commander, directed Colonel Sparks, Major Laurence, and some officers of the Second Infantry to proceed on recruiting service.

Upon receipt of the order, Colonel Sparks was in command at Mobile and Major Laurence at Fort Boyer, at the entrance of the bay, both of which points were in danger of immediate occupation by the British.

Both officers declined to obey the order, while soon after Major Laurence was called upon to defend his post from a combined land and naval attack, in which he repulsed the enemy with great gallantry.

The manifest peril to the country occasioned by the irregular transmission of an order, whereby, at a critical moment, two important posts might have been deprived of their commanders, drew from General Jackson an energetic remonstrance; nevertheless no answer was returned, neither was the abuse corrected.

Another case occurred in 1817 which, while it did not jeopardize the national cause, nor the lives of our soldiers, brought the authority of the commanding general into direct conflict with the War Department.

A Major Long, who for military reasons had been specially detailed by General Jackson to make a topographical survey of part of the Mississippi River, was relieved and ordered to New York, where the report of his survey was made public and conveyed to the division commander through the newspapers. In this change of station, the commander had not been consulted, nor was he informed of the order detaching his subordinate. Exasperated by this discovery, he wrote to the President on the very day of his inauguration, strongly setting forth the serious consequences involved in such irregularities; but this letter, like his former remonstrance, elicited no reply. After waiting for nine or ten days longer than the time required for communications

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to go to Washington and return, he resolved to settle the difficulty in his own way, and therefore issued the following order:

ADJUTANT-GENERAL'S OFFICE,
HEADQUARTERS DIVISION OF THE SOUTH,
Nashville, April 22, 1817.

The commanding general considers it due to the principles of subordination, which ought and must exist in our Army, to prohibit the obedience of any order emanating from the Department of War to officers of this division who have been reported and been assigned to duty, unless coming through him as the proper organ of communication. The object of this order is to prevent the recurrence of a circumstance which removed an important officer from the division without the knowledge of the commanding general, and, indeed, when he supposed that officer engaged in his official duties and anticipated hourly the receipt of his official reports on a subject of great importance to his command; also to prevent the topographical reports from being made public through the medium of the newspapers, as was done in the case alluded to, thereby enabling the enemy to obtain the benefit of our topograhical researches as soon as the general commanding, who is responsible for the division.

Superior officers having commands assigned them are held responsible to the Government for the character and conduct of that command, and it might as well be justified in an officer senior in command to give orders to a guard on duty without passing that order through the officer of that guard, as that the Department of War should countermand the arrangements of commanding generals, without giving their orders through the proper channel. To acquiesce in such a course would be a tame surrender of military rights and etiquette and at once subvert the established principles of subordination and good order. Obedience to the lawful commands of superior officers is constitutionally and morally required, but there is a chain of communication that binds the military compact which, if broken, opens the door to disobedience and disrespect, and gives loose to the turbulent spirits who are ever ready to excite to mutiny.

All physicians able to perform duty, who are absent on furlough, will forthwith repair to their respective posts. Commanding officers of regiments and corps are ordered to report specially, all officers absent from duty on the 30th of June next, and their cause of absence. The Army is too small to tolerate idlers, and they will be dismissed the service.[a]

By order of Major-General Jackson:

ROBERT BUTLER,
Adjutant-General.

This order excited universal comment, but still the President, upon whom devolved by law the responsibility of prescribing the manner in which the business of the War Department should be conducted, came to no decision.

Two months later a final issue was presented. General Ripley, at New Orleans, received an order direct from the War Department, which, in obedience to the order of his division commander, he declined to obey. The responsibility for his action was immediately assumed by General Jackson, who, in a letter to the President, dated August 12, 1817, commended the "proper disobedience" of his subordinate. He then in justification continued:

In the view I took of this subject on the 4th of March, I had flattered myself you would coincide, and had hoped to receive your answer before a recurrence of a similar infringement of military rule rendered it necessary for me to call your attention thereto. None are infallible in their opinions, but it is nevertheless necessary that all should act agreeably to their convictions of right. My convictions in favor of the course I have pursued are strong, and should it become necessary, I will willingly meet a fair investigation before a military tribunal. The good of the service and the dignity of the commission I hold alone actuate me. My wishes for retirement have already been made known to you; but, under existing circumstances, my duty to the officers of my division forbids it until this subject is fairly understood.[b]

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[a] Parton's Life of Andrew Jackson, vol. 2, p. 373.
[b] Parton's Life of Andrew Jackson, vol. 2, p. 374.

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The receipt of this letter was followed in October by the appointment of Mr. Calhoun as Secretary of War, who promptly decided that—

on ordinary occasions, orders from that Department would issue only to the commanding generals of the divisions, and in cases where the service required a different course, the General in Chief would be notified of the order with as little delay as possible.[a]

In putting an end, for the time, to this abuse so pernicious to good order and military discipline, the new Secretary of War laid aside every personal consideration and, as clearly appears from the following private letter to General Jackson, was influenced by no other motive than "regard to the public interest:"

* * * I am aware the subject is delicate and important, but I trust that in practice no inconvenience under their present form will be experienced. The general rule is that all orders in the first instance will issue to commanders of division; and this rule to be deviated from only when the public interest may require it. The correctness of the rule itself can not be doubted. Order, discipline, and responsibility all concur in establishing it. But that there are exceptions to the rule is to my mind not less clear. The very principles on which it is established point out the exception.

Why maintain order, discipline, and responsibility, but to give to the movements of the Army promptitude and success? When, then, they can only be had by deviating from the established rule, the exception becomes the rule. That such cases must occur, a mere reference to the great extent of the divisions furnishes incontestible proof. I will not press the subject further, for I perceive, by looking over the correspondence with the President, the orders accord substantially with your view in relation to this subject. You insist on the rule that orders ought to issue to the commanders of divisions, as they are responsible. This rule is the basis of the orders which have been adopted. You admit that necessity may cause exceptions to it, and it is the only cause of exception recognized by the orders; for, I presume, when we speake of necessity in this case, we only mean a due regard to the public interests.[a] * * *

SEMINOLE WAR.

The management of this war, which began in 1817, strictly conformed to the mixed policy pursued during the Revolution and the War of 1812. For want of enough regular troops, the military commanders assumed the responsibility of organizing a force of volunteers and Indians, whom they caused to be formally mustered into the service of the United States.

These measures, as well as the military operations of the war, became the subject of Congressional investigation and were reported and commented upon by a committee of the Senate, as follows:

From this time [alluding to the massacre of a detachment of about 40 men and 7 women under Lieutenant Scott of the Seventh Infantry] the war became more serious, the Indians in considerable numbers were embodied and an open attack made on Fort Scott. General Gaines with about 600 regular soldiers was confined to the garrison. In this state of things, information having been communicated to the War Department, General Jackson was ordered to take the field. He was advised of the regular and militia force, amounting to 1,800 men, provided for that service, and the estimated force, by General Gaines of the enemy, said to be 2,800 strong, and directed, if he should consider the force provided insufficient to beat the enemy, to call on the governors of the adjoining States for such portions of the militia as he might think requisite.

On the receipt of this order, General Jackson, instead of observing the orders of the Department of War, by calling on the governor of Tennessee, then in Nashville, near the place of his residence, chose to appeal, to use his own expression, to the patriotism of the West Tennesseeans who had served under him in the last war.

[a] Parton's Life of Andrew Jackson, vol. 2, p. 374.

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One thousand mounted gun men, and two companies of what were called life guards, with the utmost alacrity, volunteered their services from the States of Tennessee and Kentucky, and repaired to his standard. Officers were appointed to command this corps by the general himself, or by other persons acting under his authority. Thus organized they were mustered into the service of the United States.

About the time General Jackson was organizing this detachment of volunteers in the State of Tennessee, or perhaps previously thereto, General Gaines was likewise employed in raising forces among the Creek Indians. There was this difference in the two cases: General Jackson raised his army in disregard of positive orders; General Gaines, without orders, took upon himself the authority of raising an army of at least 1,600 Creek Indians, appointing their officers, with a brigadier-general at their head, and likewise mustering this force into the service of the United States.

While your committee feel a pleasure in applauding the zeal and promptness that have marked the military conduct of these general officers on many former occasions, they would feel themselves wanting in their duty to the Senate and the nation if they did not express their decided disapprobation of the conduct of the commanding generals in the steps they took to raise and organize the force employed on this occasion. There was no law in existence that authorized even the President of the United States to raise or accept of the services of volunteers. The law passed for that purpose had expired in the year 1815. * * *

It is with regret that the committee are compelled to declare that they conceive General Jackson to have disregarded the positive orders of the Department of War, the Constitution, and laws. That he has taken upon himself not only the exercise of those powers delegated to Congress as the sole legislative authority of the nation, and to the President and Senate, as it relates to the appointments, but of the power which had been expressly reserved to the States in the appointment of the officers of the militia—a power the more valuable to the States because, as they had surrendered to the General Government the revenue and physical force of the nation, they could only look to the officers of the militia as a security against the possible abuse of the delegated power.

The committee find the melancholy fact before them, that military officers, even at this early stage of this Republic, have, without the shadow of authority, raised an army of at least 2,500 men and mustered them into the service of the United States. Two hundred and thirty officers have been appointed and their rank established from an Indian brigadier-general down to the lowest subaltern of a company. To whom were those officers accountable for their conduct? Not to the President of the United States, for it will be found that it was not considered necessary, even to furnish him with a list of their names; and not until the pay rolls were made out and payment demanded, were the persons known to the Department of War. And in this place it is proper to observe that General Jackson seemed to consider those officers of his own creation, competent to discharge all the functions of officers appointed by the authority of the General or State governments; for we find five of them detailed afterwards to sit on a general court-martial on a trial of life and death. Might not, on the same principles, General Jackson have tried, condemned, and executed any officer of the Georgia militia by the sentence of a court-martial composed of officers created by him and holding their assumed authority by the tenure of his will?

* * * * * * *

The committee will next take notice of the operations of the army in the Floridas. * * *

It appears that General Jackson advanced into Florida with a force of 1,800 men, composed of regulars, volunteers, and the Georgia militia, and afterwards, on the 1st day of April, was joined by General McIntosh and his brigade of 1,500 Indians, who had been previously organized by General Gaines, opposed to whom, it appears from the report of Captain Young, topographical engineer, and other evidence, the whole forces of the fugitive Seminole Indians and runaway negroes, had they all been embodied, could not have exceeded 900 or 1,000 men, and at no time did half that number present themselves to oppose his march. Of course little or no resistance was made. The Mikasuky towns were first taken and destroyed. The army marched upon St. Marks, a feeble Spanish garrison, which was surrendered "without firing a gun" and then occupied as an American post. * * *

This being done and St. Marks garrisoned by American troops, the army pursued their march eastward to Suwanee River, on which they found a large Indian village, which was consumed, and the Indians and negroes were dispersed, after which the army returned to St. Marks. * * *

Having made these arrangements, the army marched to Fort Gadsden, on the Appalachicola River. "From Fort Gadsden," the report continues, "and after a march of about twenty days, having met his artillery, General Jackson, with about

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1,200 men, the rest having been discharged, appeared before Pensacola, the capital of the province. The place was taken with scarcely the show of resistance. The governor had escaped and taken refuge in the fort of the Barancas, to which place, distant about 6 miles, the army marched, and the fortress was invested on the 25th of May, and a demand being made for its surrender and refused, the attack on the fortress was made by land and water. And, after the bombardment and cannonading had been kept up for a part of two days and some lives lost, the fortress was surrendered, and the garrison made prisoners of war, and the officers of the government, civil and military, transported to the Havana, agreeably to the terms of the capitulation.[a] * * *"

From this report of the Senate committee it appears that General Jackson, after collecting his forces, brought the war to a close in a single campaign of less than three months.

In accomplishing this result against a "miserable, undisciplined banditti of deluded Indians and fugitive slaves, their whole strength when combined not exceeding 1,000 men," the force of regulars, volunteers, and militia called into the service numbered 5,911 men. To this number should be added nearly 1,600 subsidized Indians, making the total force exceed 7,500.

The regular troops serving under General Jackson consisted of the Fourth and Seventh Infantry and the Fourth Battalion of Artillery, whose united strength, by increasing the companies to 100 men each, could have been raised to more than 2,000 combatants.

But needless extravagance is not the valuable lesson to be drawn from this war. It lies in the proof, recorded by a committee of the Senate, that the greatest dangers to which our liberties have thus far been exposed have occurred in time of war, not through the presence, but for the want of, a sufficient disciplined army.[b]

REORGANIZATION OF 1821.

This reorganization was preceded on the 11th of May, 1820, by a resolution of the House of Representatives directing the Secretary of War to report at the next session "a plan for the reduction of the Army to 6,000 noncommissioned officers and privates, and preserving such parts of the Corps of Engineers as, in his opinion, without regard to that number, it may be for the public interest to retain."

In presenting his plan in December, 1820, Mr. Calhoun stated:

> If our liberty should ever be endangered by the military power gaining the ascendancy, it will be from the necessity of making those mighty and irregular efforts to retrieve our affairs, after a series of disasters, caused by the want of adequate military knowledge, just as in our physical system a state of the most dangerous excitement and paroxysm follows that of the greatest debility and prostration. To avoid these dangerous consequences, and to prepare the country to meet a state of war, particularly at its commencement, with honor and safety, much must depend on the organization of our military peace establishment, and I have accordingly, in a plan about to be proposed for the reduction of the Army, directed my attention mainly to that point, believing it to be of the greatest importance.
>
> To give such an organization, the leading principles in its formation ought to be, that at the commencement of hostilities there should be nothing either to new model or to create. The only difference, consequently, between the peace and the war formation of the Army, ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary.

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[a] American State Papers, vol. 2, pp. 739, 740, 741.

[b] For further information on the organization of troops without the consent of Congress see report of committee of the House of Representatives, American State Papers, vol. 2, p. 99.

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It is thus, and thus only, the dangerous transition from peace to war may be made without confusion or disorder and the weakness and danger which otherwise would be inevitable, be avoided. Two consequences result from this principle: First, the organization of the staff in a peace establishment ought to be such that every branch of it should be completely formed, with such extension as the number of troops and posts occupied may render necessary; and, secondly, that the organization of the line ought, as far as practicable, to be such that in passing from the peace to the war formation, the force may be sufficiently augmented without adding new regiments or battalions, thus raising the war, on the basis of the peace establishment, instead of creating a new army to be added to the old, as at the commencement of the late war.[a]

It will be perceived from the above, that nearly sixty years ago one of our leading statesmen strongly urged the expansive organization which now prevails in every army of Europe.[b]

His plan, in brief, for the Adjutant-General's, Quartermaster's, and Commissary's Departments consisted in having a permanent chief for each, nearly all of the subordinate grades being filled by details from the line.[c]

The ordnance, light artillery, and artillery were to be united into one corps of artillery of 5 battalions of 8 foot and 1 light battery each, with a colonel as commandant; the Ordnance Department thereafter to consist of 1 colonel, 1 lieutenant-colonel, 2 majors, and 7 captains.

The captains of ordnance were to be supernumerary officers of artillery, "for if their number did not pass that of the companies of artillery, it would be impossible to spare a captain of artillery from his company."

The lieutenants of ordnance were to be detailed from the lieutenants of artillery, of whom 4 were allowed to each company and battery.

The peace footing of each light battery consisted of 5 officers and 74 enlisted men; each foot battery, 5 officers and 64 enlisted men. The war footing of each light and foot battery was to consist of 5 officers and 95 enlisted men.

The infantry was to consist of 9 regiments of 10 companies each, with 3 field officers to each regiment. The peace footing of each company was 3 officers and 37 men per company. Total 9 regiments, 3,627. No cavalry was provided for. The total enlisted of artillery and infantry was to be 6,316.

Without adding an additional officer or a single company, they may be augmented, should a just precaution growing out of our foreign relations render it necessary, to 11,558; and pending hostilities, by adding 288 officers, the two corps, on the maximum of the war formation, may be raised to the respectable force of 4,545 of the artillery and 14,490 of the infantry, making in the aggregate 19,035 officers, non-commissioned officers, and privates.[d]

The increase of the two arms to 19,035 men, a force more than three times that of the peace footing, involved doubling the number of battalions of infantry.

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[a] American State Papers, vol. 2, p. 189.

[b] Under an act of Congress introduced at the suggestion of the Secretary of War and approved February 2, 1901, the President has been given authority to increase the number of enlisted men in each troop of cavalry to 100, in each company of infantry to 150, and in the artillery to an aggregate not to exceed 18,920 men, exclusive of electrician sargeants.—EDITORS.

[c] In his revised scheme for the reorganization of the Army, transmitted to Congress December 20, 1820, Secretary Calhoun proposed to have six Assistant Adjutants-General and six Assistant Inspectors-General, all but three of whom were to be detailed from the line of the Army, and eventually all to be so detailed as vacancies might occur. Also to have sixteen Deputy Quartermasters-General, eight of whom were to be detailed from the line, and similarly all to be so detailed as vacancies occurred.—EDITORS.

[d] American State Papers, vol. 2, p. 190.

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The mode of doubling the battalion is simply to form a battalion of each half battalion, a division of each platoon, a platoon of each section, etc., and fill up their ranks to the proper number, with a care to place the recruits in the second ranks.[a]

In the proposed organization of the staff there were two defects, either of which was sufficient to insure its failure. The first was the neglect to provide in the grades of colonel, lieutenant-colonel, and major, the requisite number of officers to insure the uniform operation of each department. The second was the neglect to replace the captains and lieutenants detailed from the line, by the same number of supernumeraries.

But for these defects and the additional omission to provide that in time of peace, all officers detailed from the line should return periodically to their companies, the plan of Mr. Calhoun, had it been adopted, would have given us all the advantages of the most modern staff organization.[b]

When, however, the plan was submitted to Congress, all its vital points were discarded and with no reference to the future the Army was reduced by the act of March 2, 1821, from an aggregate of 12,664[c] officers and men to 6,183.[d]

The first section of the law prescribed—

That from and after the 1st day of June next the military peace establishment of the United States shall be composed of 4 regiments of artillery and 7 regiments of infantry, with such officers of engineers, of ordnance, and of the staff as are hereinafter provided for.[e]

The second section made each artillery regiment consist of 1 light and 8 foot companies, with a field, staff, and noncommissioned staff composed of 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant detailed from the subalterns, 1 sergeant-major, 1 quartermaster-sergeant.

To each regiment was attached 1 supernumerary captain to perform ordnance duty.

Each company was composed of 1 captain, 2 first lieutenants, 4 second lieutenants, 4 sergeants, 4 corporals, 3 artificers, 2 musicians, 42 privates; total, 60; total regiment, 546.

The same section made each infantry regiment consist of 10 companies, with a field, staff, and noncommissioned staff composed of 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant detailed from the subalterns of the line, 1 sergeant-major, 1 quartermaster-sergeant, 2 principal musicians.

Each company was composed of 1 captain, 1 first lieutenant, 1 second lieutenant, 3 sergeants, 4 corporals, 2 musicians, and 42 privates; total company, 54; total regiment, 547.

The third section retained the engineer corps (bombardiers excepted) and the topographical engineers as already organized.

The fourth section prescribed—

That the Ordnance Department shall be merged in the artillery, and that the President of the United States be, and he is hereby, authorized to select from the regiments of artillery such officers as may be necessary to perform ordnance duties, who,

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[a] American State Papers, vol. 2, p. 193.

[b] An act of Congress approved February 14, 1903, establishes a General Staff Corps to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.—EDITORS.

[c] American State Papers, vol. 2, p. 194.

[d] American State Papers, vol. 2, p. 452.

[e] Callan's Military Laws of the United States, p. 306.

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while so detached, shall receive the pay and emoluments now received by ordnance officers, and shall be subject only to the orders of the War Deparment; and that the number of enlisted men in the Ordnance Department be reduced to fifty-six.[a]

The fifth section reduced the general officers to one major-general and two brigadiers, and prescribed that their aids-de-camp, taken from the subalterns of the line, should perform, in addition to their other duties, those of assistant adjutants-general.

The sixth section authorized 1 Adjutant and 2 Inspectors-General with the rank of colonel of cavalry.

The seventh section prescribed that there should be 1 Quartermaster-General, 2 quartermasters with the rank of major, and 10 assistant quartermasters, detailed from the line, with an extra compensation of not less than $10 or more than $20 per month.

The eighth section authorized 1 Commissary-General, and not exceeding 50 assistant commissaries, detached from the line, with the same compensation as the assistant quartermasters, and further prescribed that both the assistant quartermasters and assistant commissaries of subsistence, should be "subject to duties in both departments under the orders of the Secretary of War."

The ninth section prescribed that there should be 1 Paymaster-General, 14 paymasters with the pay and emoluments of regimental paymasters, 1 commissary of purchases, and 2 storekeepers, attached to the purchasing department.

This law, in failing to recognize the wisdom of Mr. Calhoun's advice "that at the commencement of hostilities there should be nothing either to new-model, or to create," insured the continuance of our previous system. It sought to make the staff efficient at the expense of the line, and while the President, in case of Indian wars could authorize generals and governors to call out unlimited numbers of militia, he could not add an enlisted man to the Army. Had Congress given him the authority to increase each company of artillery and infantry to 100 enlisted men, the reduction of the Army by one-half would still have enabled him in time of war to augment it to more than 11,000 men.

The failure to provide permanent officers in the higher grades, and also that officers detached on the staff should be supernumeraries of the line, necessarily led, in the course of a few years, to the present organization of staff corps in which every officer, regardless of his qualifications, holds his position for life.[b]

The manner in which the present system was established may be illustrated by a reference to the ordnance. Instead of allowing 1 colonel and 1 lieutenant-colonel, 2 majors, and 7 captains of ordnance, as recommended by Mr. Calhoun, the whole department was ignored by the law, or at least replaced by the simple provision that "there should be attached to each regiment of artillery, one supernumerary captain to perform ordnance duty." At best these 4 captains, without

[a] Callan's Military Laws of the United States, p. 307.

[b] An act of Congress approved February 2, 1901, provides that future vacancies in the lower grades of the Adjutant-General's, Inspector-General's, Quartermaster-General's, Subsistence, Pay, and Ordnance departments, and of the Signal Corps, shall be filled by the detail of officers of the line of the Army for a period of four years, at the completion of which period such officers detailed shall return to the line of the Army for two years before being eligible to further detail; and officers below the rank of lieutenant-colonel shall not be eligible to further detail in any staff department until they have served two years with the line.—EDITORS.

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any permanent chief, as in the Quartermaster or Commissary Departments, were to supply the place of an Ordnance Department, which had been created in 1812, and by the act of February 8, 1815, had been increased to a total of 44 officers. This deficiency in numbers was made up by the detail of about 30 officers of artillery, whose return to their regiments was secured by a provision of the Army Regulations, adopted after the passage of the law, requiring that a certain number of officers should be detailed annually on ordnance duty, in place of the same number relieved.

The head of the new department, which in its composition had no element of permanency, was Colonel Bomford, the former Chief of Ordnance, who naturally opposed the new system. In a letter to the Secretary of War, dated January 8, 1827, he stated all the objections to this method of detail, and then recommended a separate department to consist of 1 colonel, 2 majors, 8 captains, 8 first lieutenants, and 8 second lieutenants, a total of 27 officers. But lest this recommendation should not be approved, he struck the happy medium between the system of permanency and detail by adding:

> If it shall, however, be considered expedient to continue, in part, the present system of details, I would then suggest that the Department be made to consist of 1 colonel, 2 majors, and 10 captains, leaving to be supplied by details from the artillery, as many lieutenants as the public service might require.
>
> In favor of this plan, it may be said that it can be effected by a smaller addition to the number of officers at present in service, as it would require only nine new appointments to be made; and also that the thirteen ordnance officers not being subject to change and the details being confined to the junior officers alone, neither the ordnance nor the artillery service would suffer much inconvenience by this arrangement, while the latter might be benefited by it. It is admitted that this plan would be greatly preferable to the present system, as it would give some degree of permanency to the senior officers of the Department, to those upon whom its duties and responsibilities would mainly rest.[a]

January 23 he submitted to the Secretary of War a bill to carry out the above views which, had it become a law, would have increased the efficiency of both the artillery and ordnance and made our system in every essential particular approach the systems of other nations.

In England, France, Germany, Italy, and Russia the ordnance officers are merely the staff of the artillery, who are specially selected from the whole corps for known zeal and efficiency. The Austrian general, Uchachius, the inventor of the celebrated steel bronze field gun, is an officer of artillery whose services can be utilized in time of peace in the arsenal, while in time of war his talents can find more important scope on the field of battle. In the arsenals, or technical departments of every foreign service, the officers, without any fixed rule as to the period of detached service, go back to the artillery, where the benefit of their scientific training is extended to the line.

These advantages, to a great extent, were involved in the law proposed by the Chief of Ordnance more than fifty years ago, at an increased expense to the then existing peace establishment of but $11,644 per annum.

November 30, 1829, the Chief of Ordnance, in his annual report, again recommended a separate corps, and December 18[b] followed it up by another letter reiterating all his former objections to the system of detail. This letter also recommended that in case the corps be

[a] American State Papers, vol. 3, p. 580.
[b] American State Papers, vol. 4, p. 212.

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still merged with the artillery, that at least the senior grades be made permanent, leaving the junior grades as before, to be filled by detail, a measure that "would combine the advantages of both plans."

November 30, 1830,[a] the same arguments were again presented to the Secretary of War, and were again alluded to on the 28th of October, 1831. As a result of constantly presenting the defects of a department which comprised but 4 supernumerary captains of artillery, Congress, on the 5th of April, 1832, reestablished the Ordnance Corps, to consist of 1 colonel, 1 lieutenant-colonel, 2 majors, and 10 captains.

The lower grades were still to be filled by the detail of lieutenants of artillery.

It was supposed that the allowance of four lieutenants to each battery of artillery, by the law of 1821, would permit a certain number to be detailed on ordnance duty without prejudice to their regiments, but as will appear during the Florida war, so great was the number of officers detached in the various staff departments, without supplying their places by supernumeraries, that both the line and the staff united in opposition to a system which could only insure efficiency in the one, at the expense of the other.

Small as were the Quartermaster and Commissary Departments, the former consisting, under the law of 1821, of one chief and two other permanent officers, the latter of but one chief only, no such determined opposition was made to the principle of detail as was made by the Chief of Ordnance. This was in a great measure due to the fact that General Jesup, Quartermaster-General, and General Gibson, Commissary-General, were both former officers of the line, while Colonel Bomford, under whom the law of 1821 had to be carried into effect, was the deposed chief of a corps, for the reestablishment of which he could not fail to labor.

The Quartermaster-General in 1823[b] and 1824[c] recommended an increase of his department by 3 quartermasters and 8 assistants, all of whom were to be detailed from the line with an increase of pay, and these recommendations were followed in 1826[d] by the addition of 2 quartermasters and 10 assistants, making a total of 5 permanent officers and 20 detailed from the line.

In the Commissary Department, although all the labor under the direction of its chief was performed by the 50 officers detailed from the line, no recommendation was made by General Gibson for an increase of the department till 1827,[e] when he requested the appointment of 2 majors. These officers were added to the department in 1829.

The extent to which the staff labor of the Army was done by the line, between the year 1821 and the Florida war, may be easily inferred from the statement that in the two great supply departments just referred to, out of the 78 officers composing them, 70 were from the line. The efficiency with which these officers performed their duty was frequently the subject of commendation by their chiefs, while the varied and practical experience acquired in their departments, increased

[a] American State Papers, vol. 4, p. 756.
[b] American State Papers, vol. 3, p. 101.
[c] American State Papers, vol. 3, p. 162.
[d] Callan's United States Military Laws, sec. 4, p. 316.
[e] American State Papers, vol. 3, p. 645.

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their capacity and usefulness in every position to which the Government subsequently assigned them.

This varied experience was, however, to be denied the line, through the failure to provide that officers detailed should be supernumeraries.

RELATIONS OF THE GENERAL IN CHIEF AND SECRETARY OF WAR TO THE ARMY.

The still undefined relations between these two officers, one of whom, under the President, should be the exclusive chief of the personnel of the Army, the other the absolute director of its administration, came before both Houses of Congress in 1828–29 on a proposition as to the expediency of abolishing the office of major-general of the Army, made vacant by the death of General Brown.

This question, to which is referable much of the extravagance of our system; the unnecessary war between the staff and the line; the lack of the subordination due to the general in chief, from every staff officer not exclusively occupied in administration duties under the Secretary of War—a question, which rising above all personal considerations must have an important bearing upon all future military operations, and through them, on the honor if not on the destiny of the country, was discussed with such enlightened statesmenship by a committee of the Senate and by the Secretary of War, that to-day their views are worthy of the special consideration of Congress.

On the 19th of March, 1828, Mr. Harrison (afterwards President of the United States), from the Committee on Military Affairs, to whom was referred the resolution of the Senate, directing them to inquire into the expediency of continuing or abolishing the office of major-general in the Army of the United States, reported:

> The first inquiry now to be made is, whether the office of major-general, on the establishment, shall alone be abolished, leaving the organization and arrangement of the Army in other respects as it now is. If the object of this reduction is to save expense, the committee hesitate not to say that the expectation will not be realized. Indeed, it is possible that it may be increased. This effect is produced by the number of officers in every corps of the Army holding brevet rank of higher grade than they hold in the line, and by that succession in command which is an essential principle of discipline in every army and navy of the civilized world. The principle here spoken of is that which, upon the removal of a senior officer by death or otherwise, gives to the next in rank, not the rank, but the entire authority and command of the officer whom he succeeds.
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> In a case of this kind, when the command devolves upon an officer of junior grade in the line, who holds no brevet rank, he receives no accession of pay or emolument for the exercise of the higher duty and increased responsibility. Upon the death, absence, or removal of the colonel of a regiment the lieutenant-colonel, or major in the absence of the lieutenant-colonel, succeeds to the command of the regiment and to all the authority which the colonel possessed without any increase of pay, if the officer thus succeeding holds no brevet rank; but having that rank it instantly comes into operation and brings with it the appropriate pay and emoluments. From this statement it will at once be perceived, that if the proposed reduction extends no further than to the office lately held by Major-General Brown, without any other change in the organization and arrangement of the Army, it will effect no diminution of the expense of the Army, but may possibly increase it. There could be then no motive, it is conceived from this view of the subject, to make the proposed reduction.
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> But a change in the present arrangement of the Army might be made, either by law or under the authority of the President, so as to produce a saving to the Treasury, of the whole pay and emoluments of the office which it is proposed to abolish. This could be done by confining the two brevet major-generals to their present commands, marked out by geographical lines, and denominated the eastern and western department, and abolishing the office of major-general in the establishment, or general in chief, as proposed by the resolutions submitted to the committee. But

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although the office may be abolished, its functions must remain to be performed in some manner. No army can long exist without having some common head to receive its reports and direct its general administration. The office of captain in the navy may be abolished, but when a ship is at sea the entire command and duties of captain must be performed in some way, under that denomination or some other.

If the office of major-general of the line or commanding general should be abolished, there being no intermediate authority between the generals commanding the departments and the Chief Executive Magistrate, who is the constitutional Commander in Chief of our armies, the immediate command of the Army must devolve upon him, or it will be administered by the Secretary of War, in his name. An arrangement of this kind has existed since the late war, at a time that the two departments were commanded by two major-generals of the line, independent of each other and having their common head at the Department of War. As this arrangement appears to have been the one contemplated by a portion of the Senate, the committee submit the following remarks as to the expediency of again adopting it:

And first as to the duties of a commanding general. They are, in reference to the whole army, what that of a colonel is to a regiment or a captain to his company, embracing not only a general, but particular superintendence in everything relating to its instruction, subordination, equipments, supplies, and health. He is the medium of communication between the Government and the Army, who look to him for all the information which they may require on these points. To him are made the returns and reports of the generals commanding departments, who correspond with him upon all subjects relating to their commands. He receives and decides upon the confidential reports of the inspectors-general, which embrace not only remarks upon the personnel and materiel of the Army, but upon the conduct and characters, not only of the several corps, but of the individuals who compose them. He has the general superintendence of the administration of justice in the Army, and is immediately charged with the duty of assembling courts-martial, composed of officers of the highest grade, which can not be furnished by a single department.

The recruiting service in all its details is under his immediate superintendence; so is the school of practice for the artillery. It is his duty to make himself intimately acquainted with the characteristic features of the country, particularly upon the frontiers; its military positions, the best means of defending them and of operating against an invading enemy. On his judgment the Government relies for information as to the proper position of the troops upon the Indian frontier, so that they can be assembled with promptitude and act with efficiency. The performance of these varied and complicated duties not only requires much labor, but it must be admitted that they can not be well performed without a thorough knowledge of the technical military details, and that this can only be acquired by actual service. The Army of the United States, as well as every other supported by a civilized nation, is under the government of a written and unwritten law. A recurrence to the authority of the latter is so constantly necessary, that no army can exist under discipline for a single day without it. It is recognized and adopted by our written law under the denomination of "custom of war." A knowledge of it can be obtained from no book and can only be acquired by experience in the field. To the person exercising the functions of commanding general, this knowledge is essentially necessary; without it he would be continually subjected to the commission of the most fatal errors. In the administration of justice, cases constantly occur which would present to a man unacquainted with the "usages of war," scarcely a shade of difference, and yet, when subjected to this criterion, one would present a crime calling for the severest punishment, and the other for an honorable acquittal.

If the functions of commanding general, then, are to be performed by the head of the Department of War, it would seem necessary that he should be possessed not only of a knowledge of the theory of the art of war, which may be acquired by study, but of that practical knowledge also which can only be gained by experience in the field. It is conceived that the proper and appropriate duties of that Department do not require this knowledge, and that it is not often found united in the same individual, with that fund of political information, which it is necessary that a Cabinet minister should possess. In Great Britain the higher duties of war minister are performed by a secretary of state. All that relates to the accounts of the army, its organization, and procuring supplies of every description (the ordnance excepted) is under the direction of the Secretary of War. It is believed that these offices have seldom been filled by military men, but the appropriate duties of commanding general are always confided to an officer selected for the purpose.

The Secretary of War, in the United States, in addition to the duties performed by both the war ministers in Great Britain, is charged with the direction of the ordnance (which in the latter country composes a separate department), with everything which relates to Indian affairs, and with the system of internal improvement. It is scarcely to be conceived that all these claims upon his time would leave him sufficient leisure

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to perform the functions of commanding general, should he even be possessed of the necessary information.

In either case, the command of the Army would virtually be exercised by the staff officers who surround him,—a kind of substitution which is in all cases offensive, but to military men particularly odious. No general ever preserved the confidence and affections of his army, who was supposed to be under the guidance of his adjutant or his aid-de-camp. The cause is obvious. When an officer makes an appeal to his superior, if the decision is adverse to his wishes and opinions, he is satisfied and submits, and he does so without suffering his feelings to be wounded. This is the result of the principle to which all yield assent, that superior knowledge is always found united with superior rank, and is the base of that prompt and cheerful obedience which is the essence of military discipline; but let a supposition be entertained that the decisions at headquarters are under the control of inferior knowledge (that is, inferior rank) and the veneration with which they are received is at once changed into contempt, the whole fabric of discipline is loosened, and disorder and confusion inevitably succeed—such as the committee believe will be the effects of placing a military command in any other hands than those of a military man.

A French officer who visited England a few years ago, in his "View of the History and Actual State of the Military Force of Great Britain," attributes the high state of the discipline of the British army, at the conclusion of the war with France, to the superintending care of the commander in chief at the seat of government.

Speaking of the newly adopted policy of not suffering a change of ministry to produce the removal of this officer, he says: "In rendering the situation of commander in chief independent of a change of ministry, it appears to me that the British Government have wisely followed the spirit of the constitution and the dictates of prudence. Owing to this distinction, if by a sudden transfer of administration, the general plan of military operations is altered, the organization of the army and all the details which influence the efficiency of regiments, can not be overthrown by the caprice and vanity of the new ministers. It is the masterpiece of the institutions of England, that stability in the system of public service, is combined with the power of changing the directors of the executive authority."[a]

If a change in the command of an army, by merely substituting one military man for another, is productive of so much injury, how much greater mischief is to be apprehended when the person who succeeds is altogether uninformed, not only in the details, but in the principles of the profession? A Secretary of War, by some casualty or change of administration, is suddenly brought into office. However eminent for his talents and distinguished as a politician, however capable of performing the appropriate duties of his Department, is it to be supposed that he can at once acquire the knowledge necessary to the discharge of the functions of commanding general? At this moment an Indian insurrection or other hostile movement occurs on the frontier. On whom is he to rely? Where is he to seek the information upon which to predicate his orders for assembling the troops, procuring their supplies, and marching them on the enemy? The old maxim, that "The thing which is once well commenced is half accomplished," applies perhaps with more force to military affairs than to anything else. The greatest exertions are often insufficient to remedy the evils which follow a wrong step taken in the commencement of a war. Never was this proposition more fatally realized than in the last war in which the United States were engaged—a body of troops pushed into the hostile country, entirely out of support, without an established base, its single line of communication everywhere accessible to the enemy. How much blood and treasure were wasted to rectify this error, the archives of the nation will exhibit, as they will the obstinate perseverance with which an object was attempted to be accomplished, in opposition to the most formidable obstacles created by the hand of nature, when another presented itself in which none of these impediments were to be found. It is far from being the intention of the committee to cast any reflection upon the distinguished patriots who conducted the first operations of the late war, and still less, to justify an ignominious surrender of a gallant army to an inferior enemy, who offered battle as the only means of extricating it from the cul-de-sac in which it had been placed. Their only object is to show that a man may be an eminent statesman, without being a general, or able to direct the details of a military enterprise. * * *

Possessing these views, the committee can not give their sanction to the proposed abolition of the office of major-general. The saving of a few thousand dollars presents, in their opinion, no motive to subject to any hazard, the discipline and efficiency of the Army.

They therefore recommend to the Senate the following resolution:

Resolved, That it is inexpedient to abolish the office of major-general in the Army.[b]

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[a] Dupin's Military View, vol. 1, p. 44.

[b] American State Papers, vol. 3, pp. 820, 821, 822.

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The Secretary of War, Hon. Peter B. Porter, to whom the subject was referred by the Military Committee of the House, replied on the 14th of January, 1829:

In regard to the first proposition, which is to abolish the office of major-general, I beg leave to observe that, although the purposes for which an army is designed have reference almost exclusively to a state of public war, yet our Government has concurred with all others, in the policy of keeping up a military force in time of peace—partly for the purpose of securing the regular execution of the laws, but principally with a view to the acquisition and preservation of the military art, to be put in requisition whenever the country may be forced into war. To attain the full benefits of the last-mentioned objects, the military force to be maintained in time of peace should, if possible, be an exact epitome in all its parts, of the one which is intended to be employed in time of war; so that, on the transition from the former to the latter state, its size and strength may be expanded without any alteration of its faculties. The period of peace, indeed, affords much greater facilities for acquiring the theoretic science, preparing the necessary equipments, and perfecting the systems of war, than are to be found in the bustle and confusion which attend its actual existence.

In the organization, as well as discipline of an army, the leading objects should be to impart to it the qualities of unity, celerity, and efficiency of action; and the great secret of conferring on a body of men, the highest capacity for physical execution, will be found to consist in the integrity of its organization, and the unity of purpose with which its operations are conducted. Every part of an army, although destined to perform its own separate and peculiar functions, should be connected with every other part, through some common head or chief, who will give animation, impulse, and individuality to the whole. From this head, or chief of the Army, all general orders for its government should emanate, and to him everything which relates to its movement and discipline should be referable. My opinion, therefore, is, that there should be at the head of the Army of the United States, whether its numbers continue as at present, or whether they be enlarged or diminished, an individual higher in rank than any other officer, and who should have immediate command of the whole; that he should be stationed, in time of peace at least, at the seat of government, where he can most readily receive the advice and orders of the President, and where he can hold the most direct and expeditious communication with every part of his command.

The present organization of the Army, being in conformity with the preceding views, it will readily be perceived that my opinion is against the expediency of abolishing the office of major-general.

If it be said that the office of major-general being abolished, the Army will still have a head in the President or the Secretary of War, by whom his military functions are discharged, the answer is, that the Department of War does not form an integral part of the military machine. The numerous civil avocations of the Secretary of War, would put it wholly out of his power to attend to the daily orders and complicated routine of duties, which appertain to the command and discipline of an Army; and the effect of a simple abolition of the office of major-general would, in the present state of the Army, be to divide it into two separate, independent, and probably conflicting commands, under the two brigadiers, unless they should be connected through the instrumentality of the Adjutant-General, or some other subordinate officer stationed at the seat of government, under the Secretary of War, and who would, in fact, perform the appropriate duties of the chief of the Army.[a]

The logical deduction of this committee, that in the absence of a general in chief "the Army would virtually be commanded by the staff officers who surround the Secretary of War," not to dwell on the significant admission of the latter, that the Adjutant-General or some other officer stationed at the seat of government, under the Secretary of War "would, in fact, perform the appropriate duties of the chief of the Army," should alone have been sufficient to preserve the first and most important grade in the Army.

But, in retaining the office, with no provision that the control of the personnel of the Army, by the Secretary of War, should be limited to such officers in the various staff departments, as, by order of the President, might be directed to report to him to aid in the procurement and

[a] American State Papers, vol. 4, p. 91.

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distribution of supplies and other administrative duties, Congress allowed itself to be defeated. From that time to the present moment, precisely what the committee predicted has substantially happened.

Instead of acknowledging the general in chief, under the President, as the military head of the Army, the chiefs of staff corps have magnified the duties of the Secretary of War and have preferred to look to him, not only as the chief of administration, but as their sole and legitimate military superior. Under his protection, they have to a large degree withdrawn the operations of their departments, from the control and even inspection, of the general in chief and other military commanders. The Ordnance, for example, manufactures our guns and carriages; the Engineers build the fortifications on which the guns are mounted, and both are turned over to the Army to be tested in war, without an opportunity having been given for the general in chief, or the officers who may die in their defense, to make the slightest suggestion.

This system, it should be borne in mind, is exclusively our own. The chiefs of staff corps continually issue orders to their subordinates, involving large expenditures of money, which orders may or may not be transmitted through the division or department commanders on whose staff their subordinates are serving. In this manner, after supplies,—pursuant to estimates approved by Congress,—have been procured by the War Department, the chiefs of staff corps in their distribution and use have, contrary to the practice in foreign armies, appropriated to themselves much of the authority of division and department commanders.

More serious still, applying the same principle to duties wholly outside the domain of administration, successive Secretaries of War, in violation of a maxim vital to the existence of a free government, "that the purse and the sword should never be united," have assumed such control of the personnel of the Army and the movements of troops that two eminent generals in chief, finding their usefulness destroyed, have virtually been forced to request the removal of their headquarters from the national capital.

The country may continue to endure such a system, but in peace and war it will be found in the future, as in the past, to have an intimate relation with disasters and maladministration, such as have already compelled two Secretaries of War to retire from the Cabinet.[a]

BLACK HAWK WAR.

This war began in March, 1832, and was brought to a close after two engagements. The first was fought by the Illinois volunteers on the 21st of July, on the banks of the Wisconsin River, with a loss to the Indians of 68 killed and wounded; the volunteers lost 1 killed and 8 wounded.

The second and last engagement was fought on the 2d of August, on the banks of the Mississippi, where the Indians under Black Hawk were defeated and dispersed, with a loss of more than 150 killed and

[a] Under the act of Congress organizing the General Staff of the Army, the Chief of Staff has supervision of the entire Army, under the direction of the President, or of the Secretary of War acting under direction of the President. Thus, for the first time in the history of the Army, unity of command and administration has been established by law.—EDITORS.

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wounded.[a] The troops engaged consisted of 400 regulars and 900 Illinois volunteers, commanded by General Atkinson, colonel of the Sixth Infantry. Their loss was: regulars, 5 killed and 4 wounded; volunteers, 15 wounded.[a] The Indians under Black Hawk were estimated at the beginning of the war at from 800 to 1,000.[b] The number of troops employed was: regulars, 1,341; volunteers, 4,638; total, 5,979.[c]

In the conduct of this war the Government acted with more than usual vigor. With a view to prevent calling out militia and volunteers unnecessarily, it ordered, on the 16th of June, a concentration at the scene of action, under the command of General Scott, of all the available regular troops from the Lakes, the Atlantic, and the lower Mississippi. Of the six companies of artillery ordered from Fort Monroe, five reached Chicago, "a distance of 1,800 miles, in the short space of eighteen days, a rapidity which is believed to be unprecedented in military movements. The loss by cholera in that detachment alone, was equal to one out of every three men."[d]

The ravages of this disease, more terrible than any armed foe, prevented both General Scott and the eastern troops from sharing in the glory of this short and decisive campaign. This war, however, brief as it was, afforded another proof of the expense of short enlistments.

For the want of cavalry in the organization of 1821, the President, by the act of June 15, 1832, was authorized to raise for the defense of the frontier, a battalion of 600 mounted rangers to serve for one year, unless sooner discharged.

Reverting to the principle of the militia, these rangers were required to arm and equip themselves and to provide their own horses, in consideration of which each of the enlisted men was to receive $1 per day. This injudicious provision was offset by the wise requirement, that the officers should be appointed by the President, by and with the advice and consent of the Senate.

The following November, in his annual report,[e] the Secretary of War stated that the cost of a regiment of dragoons would be but $143,598 per annum, while the cost of the battalion of 600 rangers was $297,530, a difference of $153,932.

On the 2d of December, the Committee on Military Affairs of the House of Representatives, to whom the statement of the Secretary was referred, reported:

> The regiment of dragoons, which it is proposed by the Secretary of War to substitute for the battalion of rangers, will not cost so much for its maintenance as that of the rangers by $153,932 a year, as it will appear by his estimate accompanying his report. It must be evident, from the constitution of the corps of rangers and from the short period of their service, their efficiency will be but little superior to that of the ordinary militia. Every year there must be a loss of time in reorganizing and recruiting the corps and in the acquisition of the necessary experience and knowledge. Besides, it can not be expected that their equipments and horses will be equal to those furnished by the public.
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> Regular dragoons, it is believed, are fully competent to discharge all the duties that can be required of mounted rangers. In celerity of movement they will, of course,

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[a] American State Papers, vol. 5, p. 30, report of Major-General Macomb, commanding the Army.

[b] Same, p. 29.

[c] Adjutant-General's Office. The Commissioner of Pensions gives the number at 5,031, report for the year 1874, p. 30.

[d] General Macomb's report, American State Papers, vol. 5, p. 31.

[e] American State Papers, vol. 5, p. 18.

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be equal, and as it is the duty of dragoons to serve on horse or foot, they may be trained to the use of the rifle and sword, as occasion may require. Besides these important objects, it is desirable to preserve in our military system the elements of cavalry tactics, and to keep pace with the improvements made in them by other nations.[a]

March 2, 1833, the second session of the same Congress that created the corps of rangers, retrieved its error, by establishing a regiment of dragoons, to consist of 1 colonel, 1 lieutenant-colonel, 1 major, 1 adjutant (lieutenant), 1 sergeant-major, 1 quartermaster-sergeant, 1 chief musician, and 10 companies.

Each company was composed of 1 captain, 1 first lieutenant, 1 second lieutenant (exclusive of the adjutant), 4 sergeants, 4 corporals, 2 buglers, 1 farrier and blacksmith, and 60 privates; total company, 74; total regiment, 747.

In connection with this expenditure of $153,000, it may be worth mentioning that the interest at 5 per cent of this sum, so quickly wasted by the faulty organization of a single battalion of mounted men, would support in perpetuity a post-graduate school for cavalry officers, and would thus insure to them the same professional advantages as are now extended to the officers of artillery by the Artillery School at Fort Monroe.[b]

The Black Hawk War, in giving us a regiment of dragoons, thereby completing the three arms of service, advanced us a step further in military organization, but still left us with grave faults which remain to be corrected.

In the staff, all of the departments of supply, either by the laws of 1821, or by those passed afterwards, had secured a chief and several other permanent officers in the higher grades. The lower grades were filled by detail, without the saving clause, that the officers should be supernumeraries in their regiments.

In the line, the striking error continued, of depriving the President, in peace and war, of all power to expand or contract the enlisted strength of the Army.

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[a] American State Papers, vol. 5, p. 126.

[b] This defect was remedied by the act of Congress organizing the Cavalry and Light Artillery School at Fort Riley, Kansas, approved January 29, 1887; published General Orders No. 9, Headquarters of the Army, dated February 9, 1887.—EDITORS.

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CHAPTER XIV.

FLORIDA WAR.[a]

The organization of the Army, as reported by the General in Chief, on the 30th of November, 1835, was as follows:[b]

	Regiments.	Companies.	Officers.	Men.	Aggregate.
General officers and staff departments			146	294	440
Dragoons	1	10	34	715	749
Artillery	4	36	192	1,988	2,180
Infantry	7	70	231	3,598	3,829
Total	12	116	603	6,595	7,198

The number of enlisted men present for duty at that date, constituting the whole fighting strength of the Army, was 3,888.[c] Of this number 1,543, under General Scott, were in the Eastern Department, embracing the Atlantic coast and nearly all the territory east of the Mississippi Valley.

The remainder, commanded by General Gaines, was distributed in the Western Department, consisting of the seacoast from Key West to New Orleans, the Mississippi Valley, and the western country, as far as Fort Leavenworth and Fort Gibson.

At this very time, then, although the population of the United States exceeded 15,000,000, less than 4,000 soldiers guarded its seacoast, its Canadian frontier, and all the outlying settlements in the vast territory, which swarmed with hostile Indians.

In Florida, with an area of more than 52,000 square miles, were 9 companies of artillery and 2 of infantry, with 26 officers and 510 men; a total of 536.[d]

Of these 11 companies, 6 under Brevet Brigadier-General D. L. Clinch, Fourth Infantry, were posted at Fort King and numbered, present for duty, 244 officers and men.[d]

The remaining 5 companies were posted, 1 at St. Augustine, 3 at Fort Brooke, Tampa Bay, and 1 at Key West.

The Administration, with this insignificant force at its disposal, was not ignorant of the certainty of a conflict, nor misinformed as to the character of the troops it ought to employ.

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[a] "This is a very valuable chapter and can not be curtailed without lessening its value.—J. A. Garfield." The above was indorsed on the manuscript in the handwriting of General Garfield.—EDITORS.

[b] American State Papers, vol. 5, p. 633.

[c] American State Papers, vol. 5, pp. 634–639.

[d] American State Papers, vol. 6, p. 57.

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Referring to the removal of the Seminole Indians west of the Mississippi, Governor Eaton, of Florida, on the 8th of March, 1835, wrote to General Cass, Secretary of War:

The employing a military force will be an act of war, and the Indians will embody and fight in their defense. In this event, you will want such an imposing force as shall overawe resistance. The few companies you have ordered will not produce this result. They will serve but to begin the fight and to awaken angry feelings, so that, in the sequel, the militia will have to be called, which will end in the butchery of these miserable people. Send a strong, imposing regular force which can be commanded and prevented from doing more than actually is needful to be done, and then that force, judiciously acting and forbearing, may do much. But send only a handful of men and difficulties will come upon you. * * *

On the whole, and to conclude a tiresome letter, I offer this advice: Avoid the exercise of force as long as possible, and let it be the only, the last sad alternative; and then let not by any means the militia be appealed to; they will breed mischief.[a]

To protect the defenseless citizens of North Florida from the impending danger, resort had once more to be made to raw troops.

On December 9 the governor of Florida was requested, upon the requisition of General Clinch, to place under his command any portion of the militia of the Territory of Florida that he might find necessary for the suppression of Indian hostilities.[b]

December 22 General Call wrote to the President:

Having heard of the distress and alarm on the frontier, occasioned by Indian depredations, I raised a detachment of 250 volunteer mounted riflemen for my brigade, and, under the orders of the acting governor, proceeded to this border, where I found about the same number of men under the command of Colonel Warren, of the East Florida militia. I have assumed command of the whole, making my force about 500 men. They were raised, however, for only four weeks, and many of them are badly armed and equipped. The services of these troops have been tendered to General Clinch and accepted for the prospect of protecting the frontier. I can, Sir, scarcely give you an adequate description of the frontier inhabitants. The whole country between the Suwanee and the St. Johns rivers, for the distance of 50 miles above the Indian boundary, is abandoned, the frontier inhabitants shut up in a few miserable stockade forts, and the Indians traversing the country at will, burning and destroying wherever they appear.[c]

Such were the paltry dispositions for protection when, on the 28th of December, the Indians began the war by the massacre of Major Dade and his command. This unfortunate detachment, treacherously attacked while marching in fancied security from Fort Brooke to Fort King, was composed of portions of the Second and Third Artillery and of the Fourth Infantry, 110 officers and men in all, of whom only 3 escaped. The same day, the Indian agent, General Thompson, and Lieut. Constantine Smith, of the artillery, were waylaid and murdered about a mile from Fort King. Small as was the garrison at this post, it immediately took the offensive.

On the 29th of December, General Clinch, with 6 companies of regular troops, amounting to about 200 men, proceeded from Fort King toward the Withlacoochee to attack the Seminoles, who were in force on the left bank of that river. In this expedition he was joined by Governor Call, with between 400 and 500 volunteers of Florida.

On the 31st of December, General Clinch, with the regular troops under his command, crossed the Withlacoochee. He was here attacked by a large body of Indians, and, after a spirited engagement, the Indians were finally defeated and fled into the hummocks. In this affair, it will appear that the regular troops bore the brunt of the action. Out of the 200 regular troops who crossed the river with General Clinch, 57 were killed or wounded, including 4 officers. Of the 400 or 500 volunteers who had joined General Clinch, with a view of aiding in subduing the Indians, only 27 men and 3 officers took part in the action. Why so many remained out of the action is not explained. Had the same zeal and bravery been displayed by the

[a] American State Papers, vol. 6, p. 498.
[b] American State Papers, vol. 6, p. 1026.
[c] American State Papers, vol. 7, p. 217.

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whole force, as was evinced by the regular troops, there is little doubt but that the war would have been terminated with the battle of Withlacoochee.[a]

The loss of the enemy was estimated at from forty to sixty killed. In his report to the President, dated January 9, General Call said:

I had many difficulties to contend with in my late expedition, and, among others, mutiny and desertion among my troops; but the examples I have made of the offenders will have a salutary effect hereafter. The power of the enemy is variously estimated by those best informed, at from 1,200 to 2,000 warriors, and it is confidently believed that a large number of the Creek Indians have united with them. They are well armed; they are waging a war of extermination and will fight desperately.[b]

On the same day Governor Eaton wrote as follows to the Secretary of War:

By the enclosed despatch from General Call, you will perceive that the volunteers have returned home, and the security of the frontier of this Territory and Georgia is now at the mercy of the Indians. A few regulars, equal to garrison duty, and 150 militia are all the force, by General Call's report, which is now in the field. Militia are few and wide scattered here, and as for arms there are none.

Again, let me repeat that a large and imposing force will be necessary as being the most economical to put down these Indians. A force barely adequate; men with but little confidence in themselves, and are all the time going to and coming back from the war; such you will see was the case with General Call's volunteers. Their term had expired, and they would come home with an enemy just in view of them. * * *

I have written the governor of Georgia to know if he can not take the responsibility of sending a force into the field. Prompt action and a good force will quiet everything here in forty or sixty days. Tardiness and want of decision may make it last a year.[c]

With the defenseless citizens of Florida at the mercy of the savage, the Government, for want of authority to increase the enlisted strength of the Army, was forced again to ask for raw levies.

On the 8th of January, 1836, the Secretary of War, by direction of the President, wrote to Governor McDuffie, of South Carolina:

Hostilities have been commenced by the Seminole Indians in Florida, and although there is just reason to believe that the regular and militia force employed there will be sufficient to subdue the Indians, still it is possible that their numbers and situation may enable them to carry on a protracted warfare.

Under these circumstances, the President has directed me to request you, should Brigadier-General Clinch, commanding the troops in Florida, find it necessary, to resort to the State of South Carolina for additional force, to call into service, upon his requisition, and place under his command, such members of militia as he may require.[d]

Similar letters were also written the same day to the governors of Georgia and Alabama. January 17 the Secretary of War again wrote to Governor McDuffie:

I am instructed by the President to request you to call into the service of the United States, upon the requisition of Brigadier-General Eustis, and to place under his orders, such militia force as he may deem necessary to be employed in subduing the Seminole Indians in Florida.[d]

CAMPAIGN OF 1836.

To insure a speedy termination of the war, General Scott, the commander of the Eastern Department, was ordered, in January, 1836, to the scene of hostilities.

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[a] American State Papers, vol. 6 p. 817. Official Report of Major-General Macomb, Commanding the Army.

[b] American State Papers, vol. 7, p. 218.

[c] American State Papers, vol. 7, p. 219.

[d] American State Papers, vol. 6, p. 1029.

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The instructions given him by the Secretary of War, on the 21st of that month, stated:

> It is impracticable here to prescribe the amount of force which ought to be carried into the field; that must depend upon the actual circumstances which you may find existing when you reach the scene of operations. It is of course highly desirable that no unnecessary force should be employed, as the expense may be thereby greatly increased. Still I would not have you hesitate for a moment in calling out such a number of the militia as will enable you, with promptitude and certainty, to put an immediate termination to these difficulties. The horrors of such a warfare are too great to run any risk in its immediate suppression. This subject is therefore committed entirely to your own discretion.[a]

This letter revoked the authority to call out militia, heretofore granted to Generals Clinch and Eustis.

On the same day the Secretary wrote to the governors of South Carolina, Georgia, and Alabama requesting them to fill General Scott's requisition for militia, to "serve for at least three months after arriving at the place of rendezvous."

From the above we see clearly that at the beginning of this long contest, as in the War of 1812, security of life and protection of property were once more intrusted to undisciplined troops, whose number depended upon the discretion of military commanders and governors.

On his way to the scene of hostilities, General Scott, on the 29th of January, made his first requisition upon the governor of South Carolina, asking him to increase the detachment of 600 men called for by General Eustis, to a regiment of ten companies, and stating "that mounted infantry or riflemen are not required."[b]

Writing to the Secretary of War, on the 31st of January, from Augusta, Ga., General Scott gave it as his opinion that the Seminoles would not be promptly subdued by much less than 5,000 men; and having changed his views as to the kind of troops needed, from further information as to the character of the country, he added that "the greater part of the force ought to be mounted."[c]

The same day he called upon the governor of Georgia for two mounted regiments and upon the governors of South Carolina and Alabama for one mounted regiment each. The governors of South Carolina and Georgia were authorized to organize their two regiments into a brigade, with the prescribed complement of general and staff officers.[d]

The term of service, as usual, was fixed at three months after arrival at the principal rendezvous; this, for the South Carolina troops, was on the Savannah River; for Georgia, in the direction of Picolata, on the St. Johns, Florida; for Alabama, Mobile, whence the troops were to move to Tampa Bay.

February 2 General Scott reported to the Adjutant-General, that none of the patent rifles ordered to Charleston had arrived; that in consequence he would be obliged to arm the volunteers and drafts[e] with muskets, and that there was also a deficiency of knapsacks, accouterments, camp kettles, and tents.

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[a] American State Papers, vol. 7, p. 216.
[b] American State Papers, vol. 7, p. 226.
[c] American State Papers, vol. 7, p. 223.
[d] American State Papers, vol. 7, p. 226–227.
[e] The principle of conscription was fully recognized in the law of 1792 and was repeatedly applied in the militia from that time till the Florida War.

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In regard to procuring arms he wrote:

It is useless under such disappointments to waste time in sending to the arsenal at Mount Vernon. I shall take it for granted that that depot, like all the other ordnance establishments in this quarter, is deficient in its supplies. In this state of disappointment and vexation, I shall endeavor to borrow of South Carolina, say, 1,500 musket accouterments and twice as many knapsacks, but it is doubtful whether South Carolina has them to lend.[a]

Notwithstanding the lack of arms, equipments, rations, forage, and transportation, General Scott pushed forward his preparations so rapidly, that by the 8th of March he hoped to take the field and close the war in a single campaign.

The troops, as they arrived in Florida, were divided into three columns, the right under General Clinch at Fort Doane,[b] the left under General Eustis at Volusia, on the St. Johns, the center under Colonel Lindsay at Tampa Bay.

These columns, commanded by regular officers, were to beat up the country from their several starting points, and converge near the head of the Withlacoochee.

The execution of this plan was, however, deranged by the unexpected arrival of troops from another quarter.

As soon as news of Dade's massacre reached New Orleans, Major-General Gaines, commanding the Western Department, without waiting for instructions from Washington, called upon the governor for militia, and with a mixed force of 1,140 regulars and volunteers, sailed, on the 3d of February for Tampa. He thence pushed forward to Fort King, where he arrived on the 22d, nearly destitute of rations and forage.

Having replenished his supplies at Fort Doane, he resumed his march toward the Withlacoochee, on the banks of which river he was attacked on the 27th and besieged till the 6th of March, when reenforcements under General Clinch arrived.

As soon as the siege was raised, General Gaines turned the command over to General Clinch, and returned to his department. The latter, after relieving the hunger of the troops, who had been compelled to subsist on horseflesh, fell back to Fort Doane.

The loss during the siege was 51 killed and wounded. The exhaustion of the supplies at Fort Doane, necessarily compelled General Scott to postpone his plan of campaign. In writing to General Clinch from Picolata, February 26, General Scott stated:

I have heard with equal astonishment and regret that Major-General Gaines, without reference to my arrangements, perhaps in ignorance, possibly in defiance of them, should have made a premature movement from Tampa Bay, and having arrived within 20 miles of Fort Doane, should have called for nearly three-fourths of the subsistence in deposit at that place, on which I had relied for the movement of the right wing, in concert with the other parts of the army.[c]

The supplies having been replenished, General Eustis, at the head of 1,400 men, crossed the St. Johns, on the 22d of March; the same day, with a force nearly equal, Colonel Lindsay left Fort Brooke, Tampa Bay.

On the 26th, General Clinch, in command of 1,968 men, moved from Fort Doane. Colonel Lindsay, after marching northward for 60 miles

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[a] American State Papers, vol. 7, p. 225.

[b] Fort King was about 20 miles south of Orange Lake. Fort Doane was 12 miles west of the south side of Orange Lake and 22 miles northwest of Fort King.

[c] American State Papers, vol. 7, p. 244.

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and scouring the country, returned on the 4th of April to Fort Brooke; Generals Clinch and Eustis, the former accompanied by General Scott, reached Fort Brooke by different routes the following day.

The 14th of April the three columns left Tampa and again renewed operations. The center, after penetrating to the forks of the Withlacoochee, was to communicate with the right and then return to Fort Brooke. The right and left marched back to their former stations, Forts Doane and Volusia, where the militia were detached preparatory to their discharge from the service.

So formidable were the preparations for this campaign, that the Indians from the first declined to give or receive battle. At its conclusion General Scott, in his official report to the Adjutant-General, dated the 30th of April, explained as follows, the nature of the opposition he had met and his views as to the future conduct of the war:

On our side, so far, nothing of importance has been achieved. I am more than ever persuaded that the whole force of the enemy, including the negroes, does not exceed 1,200 fighting men; it is probably something less. Of that force I am equally confident that not 500 have, at any time since the commencement of hostilities, been brought within the same 10 miles square. In all our operations within the last thirty days, we have not found a party of more than perhaps 120, but parties of from 10 to 30 have been encountered almost everywhere. No Indian woman, child, or negro, nor the trace of one, has been seen in that time. Those noncombatants (it has been evident to us all) have been removed beyond the theater of our operations. They were, no doubt, even while the parley was going on with General Gaines, of the 7th of March, moving off to the southeast, beyond Pease Creek and Lake Tohopkelika, and in that almost inaccessible region they are now concealed. That officer, it is said, caused Powell and his chiefs to be informed, by way of inducing them to agree to accept the Withlacoochee as a temporary boundary, that large armies were approaching which would fill up the Indian country or crush everything in the way. The wily chiefs profited by the information—sent off their families and dispersed their warriors into small parties. In this way Powell expects to make good his threat, viz, "That he would protract the war three years."

To end it (in less time) I am now persuaded that not less than 3,000 regular troops are indispensable—2,400 foot and about 600 horse. The country to be scoured and occupied requires that number. I have no particular desire to conduct the operations of the new forces. That is a duty which I shall neither solicit nor decline.

Of the above force—3,000 good troops (not volunteers)—500 will be necessary to garrison five posts for the deposit of supplies; say one on the St. Johns, 7 miles below Lake George; one up the Pease Creek, say 15 miles above Charlotte Harbor; one at Tampa Bay; one 12 miles from the Gulf of Mexico, up the Withlacoochee, and one on the same river, near the Fort King road, with 160,000 rations deposited at Tampa Bay and 30,000 or 40,000 at each of the other posts. Five columns with haversacks and a few 1-horse carts may operate securely and with every prospect of success, at least to the north and west of Charlotte Harbor. For the country below additional means will be wanted, viz, 2 or 3 steamers of a light draft of water and 50 or 60 barges of different sizes, capable of carrying from 10 to 50 men each.

I give these items in order, if approved, that the necessary appropriations may be asked at once. I beg leave to add, in haste, that new regiments, or regiments of recruits, would be worth little or nothing in this war. I will therefore earnestly recommend that the companies of the old regiments be extended to 80 or 90 privates each. Recruits mixed up with the old soldiers in June or July would become effective by the 1st of December; and I repeat that operations can not be carried on by any troops whatever in this peninsula except between the 20th of November and the end of April. The intermediate period is too hot or too sickly to be endured.[a]

The expression "3,000 good troops (not volunteers)" soon brought General Scott into trouble. This induced him, on the 20th of May, to write to the Adjutant-General of the Army as follows:

The contrast made by me in a few words between regulars and volunteers, in my letter to you of the 30th ultimo, being published, I am of course delivered over to the hostility of the whole body of the militia. Now, no one entertains for the vol-

[a] American State Papers, vol. 7, pp. 278, 279.

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unteers who have recently been under my command from South Carolina, Georgia, Louisiana, and Alabama a more cordial and sincere respect than I do. There are hundred and hundreds of them whom I should be most happy to call friends. They have patriotism, honor, intelligence, and individual courage; but in masses but little of the latter quality. They would, however, I have no doubt, even fight in masses with desperation in defense of their own neighborhoods and homes. But in a distant war like this I utterly deny their efficiency after the zeal of the first week or two has subsided. On this subject there are many wholesome but most unpalatable truths to be told. Exceptions, however, are to be made, I acknowledge. Who shall tell those truths? I know of no commander who has ever yet had the hardihood. Shall I do it? Believing the good of my country calls for it at my hands, if leisure and strength permit, it shall be done. My sacrifice will be inevitable. * * *

What I meant to state at the conclusion of my last letter was this: The troops called for by me came into the field at too late a period generally, to enable me to prosecute the war to a conclusion.[a]

Four days previous to this letter, he was authorized by the Secretary of War to turn over the command in Florida to General Clinch, or to the officer next in rank, and to resume the command of his department.

INCREASE OF RAW TROOPS.

On the 8th of March, 1836, General Cass, Secretary of War, pursuant to a resolution of the Senate, forwarded, with his approval, a recommendation of the General in Chief, that the number of artillery regiments be increased from four to five, and the infantry from seven to nine; the regiments to have eight companies each, the aggregate enlisted, including the regiment of dragoons, which was to be retained unaltered, to be 9,955. Lest this project should not be approved, he stated that—

> The proposed augmentation of the noncommissioned officers, privates, and musicians may be so distributed as not to require any change in the number of the regiments or in the grades of the officers, by simply adding a given number to each company.[b]

Instead of adopting a policy so obviously humane and economical, Congress, by the act of May 23, 1836, authorized the President to accept the services of 10,000 volunteers, infantry and cavalry, "to serve six or twelve months, unless sooner discharged." In imitation of the system of 1792, they were to furnish their own clothes, and, if cavalry, their own horses. Although under the Constitution these troops were to constitute a national force as distinct from the militia as the Regular Army, their organization was made dependent on the good will of governors who were empowered to appoint all the officers. The third section of the law, copying the phraseology of previous legislation, provided that when companies, battalions, brigades, or divisions of militia already organized should tender their voluntary service. they should continue to be commanded by the officers holding commissions at the time of such tender. The prepossession of Congress in favor of raising new regiments, instead of filling up old ones, was not limited to volunteers.

The sixth section created a regular regiment of dragoons, with the same organization as the one already in service, and which, under the seventh section, was to be disbanded whenever the public interest would permit.

The last section prescribed that so much of the act as related to volunteers should continue in force for two years from and after its passage.

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[a] American State Papers, vol. 7, pp. 298, 299.
[b] American State Papers, vol. 6, p. 158.

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CREEK CAMPAIGN

This campaign, though brief, was marked, like all our wars, by an unnecessary sacrifice of life and property, the inevitable result of a bad military policy.

On the 18th of May, Governor Schley of Georgia, who had already supplemented the deficiency of Government troops by sending two regiments to Florida, wrote to General Scott:

> The Creek Indians are in a state of open war, killing and destroying everything in their way. They have crossed to the Georgia side of the Chattahoochee and burnt Roanoke, and an attack on Columbus is daily expected. All the white people of the nation who have not been murdered have fled to Georgia. The people on our frontier are in a wretched condition, their lives and property being at the mercy of the savages. The militia of the adjoining counties have been called out almost en masse, and I have been making exertions to get troops to the field, but the want of proper organization of the militia makes this a difficult task. I am endeavoring for the present to defend Georgia, and as soon as I can obtain a sufficient force, I intend to carry the war into the enemy's country.
>
> I should have written you immediately on hearing of these difficulties, but did not know until now where to address you. If you can spare any United States troops for this service they will be acceptable, and I should be glad if you can send an officer to muster the militia I have furnished, and shall furnish, into the service of the United States. If your presence is not necessary in Florida, I shall be very glad to see you on the line of the Chattahoochee. We know so little of military matters and the economy of an army, that your presence will be quite acceptable.[a]

Two days previous to the date of this letter, General Scott had been authorized to turn over the command in Florida, and, as information had reached the War Department that hostilities were meditated by the Creeks, he was directed to give his attention to that quarter, with authority to assume command and to call on the governors of Alabama and Georgia for such militia as he might want.[b]

He was also notified that General Fenwick had been ordered to go to the Creek country with six companies of artillery.

On the 19th of May, General Jesup was assigned, as a brevet major-general, to the command of the United States troops, and of such militia as might, at his discretion, be called into service against the Creeks. He was also ordered to serve under General Scott should the latter proceed to the new theater of war.

The two officers met at Augusta and traveled together to Columbus, where they arrived on the 30th of May.

Here General Scott encountered difficulties similar to those at the outset of his Florida campaign. The governors of Alabama and Georgia had ordered a large number of militia into the field without arms and adequate supplies.

In reference to arms the ordnance officer at Mount Vernon Arsenal wrote to General Scott June 14:

> The governors of Alabama and Florida have completely exhausted my stock of arms and ammunition; they each had unlimited authority from the Secretary of War to call for whatever they wanted, and I was directed to issue accordingly. Governor Clay has drawn from this depot the following ordnance and ordnance stores, to wit:
>
> Four 6-pounders, complete; 6,800 muskets, complete; 157,000 buckshot and ball cartridges; 307 6-pounder canister; 105 6-pounder strapped shot; 9,700 flints; 1,492 sets of infantry accouterments; 50 yards of slow-match; 1,000 priming tubes; 133 portfires.
>
> Of the above, 6,000 muskets, the 4 pieces of ordnance, and a due proportion of other stores were shipped to Montgomery, and the balance were ordered to Clai-

[a] American State Papers, vol. 7, p. 311.
[b] American State Papers, vol. 7, p. 310.

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borne for the troops called out by the governor, and to be rendezvoused at Irwinton, Barbour County, in this State.[a]

June 12 General Scott wrote to the Adjutant-General:

We have on this frontier about 3,300 Georgia volunteers and drafts; the former contain a large portion of the chivalry, intelligence, and property of the State. Of this force we have not as yet been able to arm more than a third. Muskets in sufficient numbers are approaching, but no accouterments, except the 1,800 that I ordered from St. Augustine and Picolata. Without these, which I expect from the Ockmulgee in six days, it would have been utterly impossible to have equipped the Georgians for the field, for there were no accouterments in any of the southern arsenals.

In six or eight days, then, I hope to be able to arm and equip the whole of the Georgia forces; and, as a respectable number of the regular troops may be expected here by that time, I shall not lose a moment in commencing active operations.[b]

The lack of arms at so critical a junction, can only be ascribed to the shortsighted economy which ever prompts Congress to defer preparations for war, till hostilities are actually begun.

Its effect at this time, was to compel the Government to support in idleness, thousands of troops who were impatient for action, while life and property went wholly unprotected. June 14 General Scott wrote to the Adjutant-General:

We are still held in a state of inactivity from the nonarrival of arms, ammunition, etc. * * *

Nearly all the Georgians ordered out by the governor—a little more than 3,000—are already on the frontier, but, as I have before reported, by far the greater number of the companies have come without arms and accouterments. * * *

The first company of regulars (Monroe's) arrived yesterday, and a detachment of four or six, under Major Lomax, may be expected the day after to-morrow. Other detachments will follow at intervals of a day or two, and the whole, including marines, may be expected in a week. I have not, however, all-important as I deem those regulars, been waiting for them. The volunteers can not march without arms, accouterments, and ammunition.[c]

June 16 he issued order No. 8:

All the troops of the Georgia Line will hold themselves in readiness to take the field the moment the arms and ammunition, now daily expected, shall arrive.[d]

June 21 he wrote to the Adjutant-General:

A thousand muskets arrived here last night and have been issued to as many troops this morning, who will immediately commence the march for a point on the Chattahoochee, say the mouth of the Cowaggee Creek, below the enemy.[e]

While General Scott was thus delayed, events in Alabama, contrary to his instructions, moved with greater rapidity.

On the 12th of June, General Jesup, whom he had assigned to the command, advanced against the Creeks at the head of a mixed force of 2,300 militia and Indians, and, without delivering a battle, received the submission of the principal chiefs. On the 21st of June he arrived at Fort Mitchell, on the Chattahoochee, and four days later reported to the Secretary of War:

I consider the war at an end. My operations have broken the power of the hostile chiefs, dissolved their formidable confederacy, and given entire security to the country.[f]

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[a] American State Papers, vol. 7, p. 321.
[b] American State Papers, vol. 7, p. 326.
[c] American State Papers, vol. 7, p. 328.
[d] American State Papers, vol. 7, p. 329.
[e] American State Papers, vol. 7, p. 333.
[f] American State Papers, vol. 7, p. 348.

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A misunderstanding having arisen between General Scott and General Jesup, the former, by direction of the President (General Jackson), was ordered to Washington, "in order that an inquiry be had into the unaccountable delay in prosecuting the Creek war and the failure of the campaign in Florida."[a]

On the 7th of July, General Scott relinquished the command to General Jesup.

The number of troops employed in the Creek campaign was:

Class of troops.	Number of companies.	Officers.	Men.	Aggregate.
Staff	.....	21	.....	21
Regulars	16	27	719	746
Marines	8	32	398	430
Total	24	80	1,117	1,197
Militia and volunteers	143	710	9,830	10,540
Total	167	790	10,947	11,737

The Indian warriors at the beginning, were estimated by General Scott at from 3,000 to 5,000.[b]

OPERATIONS IN FLORIDA.

After the departure of General Scott and the resignation of General Clinch, the command of the troops in this department, pending the arrival of General Jesup, devolved on Governor Call. In September, with a force mainly consisting of Tennessee mounted volunteers and Florida militia, he moved to the Withlacoochee, but the Indians, as in the preceding campaign, did not risk an engagement. The remaining operations of the year were too insignificant to be mentioned. On the 8th of December, General Jesup assumed command, relieving Governor Call.

NUMBER OF TROOPS EMPLOYED IN 1836.

The troops mustered into service in 1835–36 were:[c]

Class of troops.	Officers.	Men.	Aggregate.
Militia and volunteers	1,517	22,024	23,541
Creek Indians organized and mustered as volunteers, summer of 1836	88	2,456	2,544
Total	1,605	24,480	26,085

These figures include the 698 militia and volunteers employed to prevent Indian hostilities on the Southwestern frontier. The remainder nearly all served in the Seminole and Creek Wars, the number of mounted volunteers and militia being 13,127.[d]

[a] American State Papers, vol. 7, p. 337.
[b] American State Papers, vol. 7, p. 951.
[c] Report of Adjutant-General, American State papers, vol. 6, p. 1061.
[d] American State Papers, etc.

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Adding 1,757 regulars and marines, who were in Florida on the 30th of November, 1836, the whole number of troops in the field during that year was 27,842.[a]

The prime element of national expense did not lie in the pay of this large body of volunteers and militia. It was due to their brief terms of service, to which, as in the Revolution and in the War of 1812, our generals were forced to subordinate their operations. The peculiar notions, too, of these war levies on the subject of fatigue duty, added in this instance, to the cost of the war, by depleting the fighting strength of the veteran troops.

In writing to the Secretary of War, December 12, 1836, General Jesup stated:

> Without a strong corps of wagon drivers, muleteers, and laborers, it is almost impossible to act efficiently in this country. The southern militia do not labor for themselves, and consequently can not or will not labor for the public. The regular troops are on constant fatigue duty, and a road leading from camp, and on which we are to march to-day, requiring repair, I sent instructions to General Armstrong last night to move forward with his brigade and cause the necessary repairs to be made. He replied that it would be impossible, as his men would not work. I shall, therefore, be compelled to put this labor also upon the regular troops. At the same time that I consider southern volunteers inefficient for many purposes, it is due them to say that they are efficient whenever rapid marches are to be made, or an enemy to be fought. Add to them such a corps as I propose, and you make them efficient for every purpose.[b]

The large force required during the first year of the war, led both the Secretary of War and the General in Chief, to renew their recommendations for an increase of the line and staff of the Army.

In his annual report the General in Chief stated:

> The regiments of artillery and infantry have, since the late war with Great Britain, been placed on the lowest possible establishment, as to rank and file, consistent with a regard to the preservation of military knowledge and discipline among them, but for operations in the face of an enemy, the rank and file were reduced too low for any efficient service, a company of artillery having, when full, only forty-eight rank and file, and that of the infantry forty-six. * * * Without reckoning the casualties of war, it is not to be expected that any company will be able, one month after taking the field, to present, under arms, more than two-thirds of its original number, for, independently of the casualties just alluded to, the soldiers of the Regular Army are obliged to become the drivers of the trains of artillery, of provisions, and of other supplies, as well as the laborers on all occasions where labor for the service is required, as no troops for these special duties are provided by law in the American Army, as are in other services, and experience has proved, wherever militia or volunteers have been called into the service, that these duties have devolved on the regular troops. I would then recommend, in order to render the Army efficient and capable of performing the duties required of it, as well as on the score of economy, that every company of artillery or infantry be augmented to one hundred rank and file, so that there may always be, in each regiment, for duty with arms, a respectable force.[c]

The Secretary of War in approving this recommendation, December 6, 1836, added:

> If we may judge from the experience of the last few years, the measure is as plainly called for on the score of economy, as it is by other and more impressive considerations. The expenses occasioned by the hostile aggressions of the Sac and Fox Indians in 1832, amounted to more than three millions of dollars, and the several appropriations for suppressing Indian hostilities made by Congress at the last session, and amounting to five millions of dollars, have already been drawn from the Treasury; and though a considerable amount is yet in the hands of disbursing officers, the whole will be required to meet expenses already incurred.

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[a] American State Papers, vol. 6, pp. 1053 and 1060.
[b] American State Papers, vol. 7, p. 821.
[c] American State Papers, vol. 6, p. 819.

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If it be one of the first objects of legislation to guard against the evils of war, then must it be admitted that the prevention of Indian hostilities, so far as human foresight is competent to that end, should be the great care of the Congress of the United States; for whilst our exposure to such hostilities is imminent, the evils which attend them are so peculiar and unmitigated, as to bring on those public agents who may neglect to guard against them, the most fearful responsibility.[a]

CAMPAIGN OF 1837.

During the winter of 1836–37 many expeditions were sent out to search the fastnesses and swamps held by the enemy, but with no decisive results, except to harass the Indians and keep them moving from place to place. The warfare, however, proved so wearisome, that on the 6th of March, 1837, the principal chiefs agreed to a capitulation, which specified that the entire nation should immediately emigrate west of the Mississippi.

This capitulation was looked upon as ending the war, and preparations were made to move the regular troops to their former stations, but it finally proved to be a mere ruse to gain time, until the sickly season began, when military operations would again be suspended.

On the night of June 2, Micanopy, the head chief, and two or three others, who had encamped with their followers near Tampa Bay, the port of embarkation, were abducted and taken to the interior. Their disappearance was the signal for the breaking up of the camp and the renewal of hostilities.

For the rest of the year military operations were much the same as in 1836. Small bands of Indians suddenly appeared here and there over a territory of 52,000 square miles and easily avoided the troops. General Jesup, up to the 21st of October, nearly ten months after taking command, was unable to report their losses at more than 30 slain and 500 captured.

In December, the last severe battle of the war was fought by General Taylor at Lake Okeechobee.

The nature of the country and the character of the troops are thus explained in his official report:

At this place the final disposition was made to attack them, (the Indians), which was in two lines, the volunteers under Gentry, and Morgan's spies to form the first line in extended order, who were instructed to enter the hummock, and in the event of being attacked and hard pressed, were to fall back in the rear of the regular troops out of the reach of the enemy's fire. The second line was composed of the Fourth and Sixth Infantry, who were instructed to sustain the volunteers, the First Infantry being held in reserve.

Moving on in the direction of the hummock, after proceeding about a quarter of a mile, we reached the swamp which separated us from the enemy, three-fourths of a mile in breadth, being totally impassable for horse and nearly so for foot, covered with a thick growth of saw grass, 5 feet high, and about knee-deep in mud and water, which extended to the left as far as the eye could reach and to the right to a part of the swamp and hummock we had just crossed, through which ran a deep creek. At the edge of the swamp all the men were dismounted and the horses and baggage left under a suitable guard. Captain Allen was detached with the two companies of mounted infantry, to examine the swamp and hummock to the right, and in case he should not find the enemy in that direction, was to return to the baggage and in the event of hearing a heavy firing, was immediately to join me.

After making these arrangements I crossed the swamp in the order stated. On reaching the borders of the hummock the volunteers and spies received a heavy fire from the enemy, which was returned by them for a short time, when their gallant commander, Colonel Gentry, fell, mortally wounded; they mostly broke, and instead of forming in rear of the regulars, as had been directed, they retired across the

[a] American State Papers, vol. 6, p. 811.

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swamp to their baggage and horses; nor could they be again brought into action as a body, although efforts were made repeatedly by my staff to induce them to do so.

The enemy, however, were promptly checked and driven back by the Fourth and Sixth Infantry, which, in truth, might be said to be a moving battery. The weight of the enemy's fire was principally concentrated on five companies of the Sixth Infantry, which not only stood firm, but continued to advance until their gallant commander, Lieutenant-Colonel Thompson, and his adjutant, Lieutenant Centre, were killed, and every officer, with one exception, as well as most of the noncommissioned officers, including the sergeant-major and four of the orderly sergeants, killed and wounded of those companies; when that portion of the regiment retired a short distance and were again formed, one of the companies having but four men left untouched.

Lieutenant-Colonel Foster with six companies, amounting in all to 160 men, gained the hummock in good order, where he was joined by Captain Noel, with the two remaining companies of the Sixth Infantry, and Captain Gillam, of Gentry's volunteers, with a few additional men, and continued to drive the enemy for a considerable time, and by a change of front separated his line, and continued to drive him until he reached the great Lake Okeechobee, which was in rear of the enemy's position, and on which their encampment extended for more than a mile. * * *

The action was a severe one, and continued from half past 12 until after 3 p. m., a part of the time very close and severe. We suffered much, having 26 killed and 112 wounded, among whom are some of our most valuable officers. The hostiles probably suffered, all things considered, equally with ourselves, they having left 10 dead on the ground, besides doubtless carrying off many more, as is customary with them when practicable. [a]

The tenacity with which, as a people, we cling to the delusion that a citizen with a musket is equal, if not superior, in courage to a disciplined soldier, was curiously illustrated by the publication of General Taylor's official report.

Incensed by the reflections on the behavior of her troops, the legislature of the State of Missouri appointed a joint committee, to investigate the case of the men whose conduct had been impeached.

On receiving this report the legislature, in February, 1839, nearly fourteen months after the battle, passed a series of joint resolutions, the first of which declared that the conduct of the Missouri volunteers and spies in the Florida campaign "was such as only could be expected from good soldiers and brave men." The second resolution declared "that so much of Col. Z. Taylor's report of the battle of Okeechobee, which charges that the Missouri volunteers and spies mostly broke and fell back to the baggage, and that the repeated efforts of his staff could not rally them, is proved to be unfounded, not to say intentionally false." * * *

The third, fourth, and fifth resolutions declared:

That so much of said report which states that the Missouri volunteers and spies behaved themselves as well or better than troops of that description usually do, is not so much a compliment to them as a slander upon citizen soldiers generally; that Colonel Taylor, in his report of the battle of Okeechobee, has done manifest injustice to the Missouri volunteers and spies, and that said report was not founded upon facts as they occurred; that a commanding officer who wantonly misrepresented the conduct of men who gallantly sustained him in battle, is unworthy a commission in the Army of the United States. [b]

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[a] American State Papers, vol. 7, p. 987, 988.
[b] Barns' Commonwealth of Missouri, p. 237.

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NUMBER OF TROOPS EMPLOYED IN 1837.

This number can not be definitely stated. The return of the Adjutant-General for November 30, 1837, showed that there were in Florida, on that date, the following troops:[a]

Regulars.	Number of companies.	Present and absent.	Volunteers.	Number of companies.	Present and absent.
Staff	.....	28	Missouri Volunteers (mounted)	10	474
Second Dragoons	10	678	Tennessee Volunteers (mounted)	6	582
First, Second, Third, and Fourth Artillery	35	1,547	Alabama Volunteers (mounted)	12	960
First, Second, Fourth, and Sixth Infantry	32	1,522	Washington City Volunteers (foot)	1	72
Marines	.....	190	Philadelphia Volunteers (foot)	6	476
Recruits not assigned to companies	.....	1,060	New Orleans Volunteers (foot)	4	250
Aggregate Regulars	.....	5,025	Florida Volunteers (mounted)	20	1,421
			Seamen, etc	.....	101
			Aggregate volunteers	.....	4,276
			Indians	.....	178
			Grand aggregate	.....	9,479

Of the regular force, 2,870 were "present for duty;" of the volunteers, 4,012. Under the law these men could only be organized for either six or twelve months, and must therefore be discharged at the end of the next campaign. At this very time, the regular force in Florida could have been raised to more than 7,700 rank and file, during the war, by increasing the 77 companies to 100 enlisted men each.

In addition to the volunteer force as given in the table, 1,200 mounted men were supposed to be en route from Georgia, making a total of 5,476 volunteers.

The whole number of raw troops who had been called into service in Florida up to this time was 15,290, including about 900 Indian warriors.

Before the close of 1837, unfavorable comment was excited by the extravagance of the war, which was to a great extent due to the large proportion of mounted troops. Notwithstanding the well-established military axiom that cavalry require much longer training and instruction than infantry, the table shows that, exclusive of the 1,200 Georgians, nearly four-fifths of the volunteers were mounted. Among the regulars, on the other hand, the dragoons numbered less than one-seventh.

The dependence of the Government upon the caprice of raw troops, and its inability to control expenditures, were well shown in the case of the Georgia troops above referred to. Writing to Mr. Poinsett, the Secretary of War, November 22, General Jesup states:

> By Lieutenant McLean, who arrived yesterday, I was informed that a force of 1,200 or 1,300 Georgia volunteers were on their march to Florida. I had requested the governor to send Colonel Nelson with a battalion or even a regiment, if he could raise the force; but, in reply, he informed me that you had countermanded the requisition on that State; and I had learned from Major Churchill, as well as from other sources, that the colonel was employed on the Cherokee frontier and would not be in Florida. I had, therefore, not calculated upon him.

[a] American State Papers, vol. 7, p. 920.

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On the 5th instant, I received information that the Colonel was on his march with a regiment. That force I believed I could employ usefully, if it should arrive, and determined to accept it, but I shall be rather embarrassed by the force now arriving. To refuse to accept it, however, might produce difficulty with the volunteers, which would probably be injurious to the service in any future occasion, where such a force might be required. As it is near at hand, I believe the better course will be to accept it, and give it active employment at once. I shall, therefore, take it into service, and it will enable me to cover every foot of the country where an enemy could find refuge. The greatest difficulty will be to supply this force; but the Quartermaster's and Commissary's departments will only have to redouble their energies.[a] * * *

The day previous General Jesup wrote to the Secretary:

Congress, I preceive, are alarmed at the expenses of the war; they have gotten the country into it, and they will find that they must make three or four such appropriations, at the least, before they get clear of it. They broke the Army down in 1821, and are responsible for all the Indian difficulties which have since taken place. Had they left it as it was in 1818, it would have been competent, with the two regiments of dragoons since added, for every purpose of defense, as well as for the suppression of every hostile movement on the part of the Indians.[a]

On the receipt of General Jesup's letter, the Secretary of War, on the 1st of December, replied:

I received your letter of the 22d ultimo yesterday afternoon, and hasten to say that the great amount of force expected from Georgia was uncalled for, and can not be retained in the service. Such an additional number of mounted men will break down your army, destroy all the resources of the country, and consume the forage and provisions collected for the supply of the troops calculated for.[b] * * *

The next day he continued:

Alarmed at the immense accumulation of volunteer mounted men in Florida, and seriously apprehensive that we might not have the means of maintaining them in the field, I wrote you a hurried letter yesterday directing the Georgia militia to be discharged. If, however, you find that you can better spare the Alabama or any other troops, you can select the best. I do not think your operations would be at all retarded, or your army less efficient by limiting the number of mounted men to 2,000, including the regular cavalry, or, if absolutely necessary for escorts, the number may be carried up to 2,000 mounted volunteers. * * *

I am not disposed, as you know, to jeopardize the success of the campaign by the exercise of an ill-judged economy, but the attention of the public has been called to the immense expenditures occasioned by this war, and they have become a matter of investigation by Congress, and we are called upon by our sense of duty and regard for the reputation of the service, to avoid the appearance of lavish or unnecessary expense.[d] * * * The manner in which the volunteers have everywhere obeyed the call of their country, and by their eagerness to serve in this war, have led their officers to exceed the call made upon the States, is highly creditable to them, and is fully appreciated by this Department; and in declining their services at this moment, it is governed only by a sense of its paramount duty to the country. It has been represented that the volunteers on entering the service have had their horses appraised, some at the exorbitant price of $300; thus attempting to establish a claim for this unreasonable rate of compensation, for any loss they may hereafter sustain. It may be proper to inform all such persons that it is the determination of this Department, unless otherwise directed by the laws that may be passed for indemnity against such losses, not to allow more than $120 for any cavalry horse that may die in the service.[b]

As a private then received but $5 per month, it should be observed that the amount allowed by the Secretary, to volunteers for each horse dying in service, was equal to two years full pay of a regular soldier; the appraised value equaled his full pay for five years.

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[a] American State Papers, vol. 7, p. 889.
[b] American State Papers, vol. 7, p. 855.

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DETACHED SERVICE.

All defects in the peace organization of 1821 were brought to light during the first year of the Florida war, but none more conspicuously than the evil of detached service.

Much of this was due to the law and to the attempt to economize in the staff, at the expense of the line, by detailing officers from the latter, with no provision to replace them by supernumeraries.

The evil was not confined to the commissioned officers, but embraced the enlisted men, who were detailed in large numbers on extra and daily duty in departments, which in other armies, have their special organizations.

Its effect in reducing the Army to a mere skeleton, was fully set forth in the reports of military commanders.

Brevet Lieutenant-Colonel Pierce, First Artillery, in a report dated Fort Heileman, September 13, 1836, stated:

> I can not permit the express to depart, without stating to you the miserably deplorable situation of the regular troops in the Territory, as regards their efficient action in the field. There are here 11 companies of artillery; the whole presents a fighting force of 110 men; and while we are entitled to 55 officers, we have here only 6 for company duty.[a]

The colonel of the same regiment, February 2, reported:

> There are only 7 company officers present for duty with the 9 companies (of the regiment), and not one of the officers attached to Companies C, D, and I are present with any of those companies.[a] * * *

While such was the state of the battalions in active service in Florida, the condition of those ordered to the Creek country was but little better.

In the month of June, 1836, with 16 companies there were present 27 officers. Included in this number were 5 captains detached from their companies, either as battalion commanders, inspectors, or performing other duties as field officers.

The condition of the troops in Florida in 1836 was more specifically stated in the report of the Adjutant-General dated February 27, 1837, pursuant to a resolution of the House of Representatives on the 13th of the same month.

The report was as follows: [b]

Date.	Number of companies.	Officers present.			Total.
		Captains.	First lieutenants.	Second lieutenants.	
March 31, 1836	26	14	15	18	47
June 30, 1836	26	9	7	17	33
September 30, 1836	31	14	12	12	38
December 31, 1836	40	13	11	22	46

In June, while the officers present numbered but 33, the absentees, deducting a few vacancies, numbered 81.

Of the detached officers "the greater number were absent on ordnance, engineer, and topographical duty, Indian service, etc."[b]

March 2, 1837, the Adjutant-General submitted a supplemental

[a] American State Papers, vol. 7, p. 110.
[b] American State Papers, vol. 7, p. 114.

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report showing the number of officers, during the year 1836, who were employed in any service which separated them from their respective regiments or corps.

From this report it appears that the number of officers detailed from the line were as follows:

Recruiting service	28
Aid-de-camp	7
Assistant quartermasters	20
Commissaries	5
Officers in the Engineer Department	25
Officers as instructors at the Military Academy	20
Ordnance	25
Topographical engineers	32
Indian Department	12
Adjutant-General's Department	2
Commissary-General's Department	2
War Department	1
Headquarters of the Army	1
Special duty	3
Total	183

The depletion will perhaps be better understood, by giving the complement of officers in each artillery regiment and then the absentees. This table does not include officers of artillery detailed as aid-de-camp on recruiting service, or in the Quartermaster or Commissary Departments:

Complement.	Absentees.			
	First Artillery.	Second Artillery.	Third Artillery.	Fourth Artillery.
1 colonel				
1 lieutenant-colonel				
1 major				
9 captains			2	1
18 first lieutenants	6	6	12	8
18 second lieutenants	14	16	8	7
Total	20	22	22	16

The officers of the Third Artillery were detached as follows:

Ordnance	8
Indian department	1
Military Academy	4
Topographical department	5
Engineer department	3
Assistant Adjutant-General	1
Total	22

The number of companies of dragoons, artillery, and infantry in the Army at the period of this report was 126, their complement of company officers was 456; the number left for duty after deducting 181 on detached service (2 officers on detached service were field officers) was 275, or less than 2 per company.

From the number 275, there were still to be deducted regimental and post adjutants, post quartermasters, the absent with leave, sick, and many other officers, the companies on the average being left with less than one-half of the complement required for field service.

The number actually detailed on detached service amounted to 37 per cent of the total number of officers 491, belonging to the line of the Army.

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INCREASE OF THE ARMY.

In the annual reports made in December, 1837, the chiefs of staff departments, almost without exception, urged an increase of their departments, their main argument being the acknowledged evil of detached service. The General in Chief in his report indorsed their views, and renewed his recommendation of the year before, as to an increase of the line, stating that—

> The disasters and consequences of an Indian war are too well known to be here dwelt on. Disturbances continually occur which produce alarm and agitate the country, and sometimes lead to open hostilities. On such occasions, for the want of sufficient numbers of regular troops on the frontier, the distant posts are obliged to be evacuated to furnish means of defense, and a militia force called out, and heavy expenditures by the loss of property near the scenes of those troubles are the consequence. * * *
>
> An augmentation of the Army, therefore, to a reasonable extent, is called for by a policy of humanity and economy.
>
> I would, therefore, respectfully submit to your consideration the propriety of augmenting the numerical force of the Army, so as to furnish an effective rank and file of 15,000 men. * * * It is recommended, in order to render the Army efficient and capable of performing the duties required, that every company of artillery and infantry be augmented to 80 men, with authority to increase to 100 should circumstances render it proper, so that there may always be in each regiment, for duty with arms, a respectable force.[a]

The plan suggested by the General in Chief was to increase the infantry regiments from 7 to 12, to add 1 company to each of the 4 regiments of artillery, to increase the enlisted strength of each company in all arms to 80 men, with discretionary authority vested in the President, to increase the companies of artillery and infantry to 100. This recommendation would have given the Army 2 regiments of dragoons, 4 regiments of artillery, and 12 of infantry of 10 companies each, with an aggregate force of 15,132.

The report of the Secretary of War entered into the cost of the war and explained that—

> Another cause of unusual expense is to be found in the character of the troops employed. At first they were drafted men or volunteers engaged for so short a period of service, as to render their employment not only expensive but inefficient, and when they were engaged for a longer time, the inexperience of their staff officers occasioned great and unnecessary expenditures, while the description of force, chiefly mounted men, augmented very much the cost of the campaign. The remuneration this irregular cavalry received from Government, merely for the use of their horses, amounted in six months to a sum nearly if not quite equal to their real value. The Government has had besides, to pay a large amount for horses that perished for want of forage, which the state of the country rendered it impracticable to transport in sufficient quantities, for the supply of so large a body of cavalry. The irregular force thus employed in Florida during the campaign of 1836 amounted to about 10,000 men, one-half of which were cavalry, at an expense greatly exceeding that of regular troops, and by no means so efficient as one-half the number of that description of force. Notwithstanding the experience gained during the last two campaigns, showed the great cost of employing volunteers, the Department had no alternative but to engage them again, which the patriotic offers of the citizens from every part of the country enabled it to do.[b]
>
> The events of this war and the heavy expenses attending it, have shown the propriety and even necessity of increasing and organizing the staff and of augmenting the Army of the United States. * * *
>
> I would recommend the addition of three regiments of infantry and one company to each regiment of artillery, and that the companies, both of artillery and infantry, should be increased to 64, rank and file, with authority vested in the President to augment their number, not to exceed 100 men, whenever the exigencies of the country

[a] American State Papers, vol. 7, p. 589.
[b] American State Papers, vol. 7, p. 572.

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may require it. This would secure all the advantages of the present peace establishment and enable the Executive on any "sudden emergency to place the Army on a respectable footing of defense." [a]

Like the General in Chief, he recommended a permanent increase of the staff corps, arguing that:

As the Army is now constituted, officers are drawn off for staff duties, to the great injury of the service of the line, and these duties are by no means so well performed as they would be by officers properly instructed and entirely devoted to them. The present organization does not give to regiments or companies any supernumerary officers. There are no more officers than the performance of the various duties of their military command actually requires, and to reduce the number must weaken the Army, render it irregular and inefficient in its operations, and greatly impair its discipline. [b]

In concluding his arguments in favor of the increase of the rank and file and staff of the Army, Mr. Poinsett thought it necessary, like Washington, to advert to the jealousy of a standing army:

When in 1821 the Army was reduced to 6,127 men, the extent of our frontier did not exceed 6,373 miles. * * *

Since that period its extent has been increased by the acquisition of Florida, and other causes, to 8,500 miles; most of our principal harbors and bays have been fortified by extensive works, and the Indians concentrated upon the western line so as to present a front of not less than 45,000 warriors. The protection due by the Government, to the inhabitants of this extensive and exposed portion of our country, would require a much larger force than is here proposed, if their safety were made to depend entirely upon the Regular Army; and I would respectfully recommend the construction of a chain of permanent fortresses along that line, and a competent organization of the frontier States, as important and necessary auxiliaries for this purpose. If any danger is to be apprehended from an army of 15,000 men, scattered along a frontier of more than 8,000 miles and commanded by officers educated to reverence the laws and cherish the freedom of their country, it is effectually to be guarded against by a proper organization of the militia. Their aggregate force now is little short of a million and a half of men, and whatever may be their efficiency against a foreign enemy, they may always be relied upon when the liberties of the country are assailed. [c]

Had Mr. Poinsett remembered the ineffectual efforts of Congress on the 21st of June, 1783, to disperse the handful of armed recruits who surrounded it and demanded a redress of grievances, he probably would not have expressed the opinion, that in any emergency, an undisciplined militia would be found more reliable for the defense of our liberties, than disciplined troops.

When this mutiny occurred, Congress requested the executive council of Pennsylvania, then sitting under the same roof, to call out the militia. The president of the council at once expressed his doubts as to the propriety of such a course. In the evening, therefore, Congress again met and resolved:

That the executive council should be informed that, in their opinion, effectual measures ought to be immediately taken for suppressing the mutiny and supporting the public authority; that a committee should confer with the Executive, and, in case no satisfactory grounds should appear of adequate and prompt exertions for those purposes, the President should, with the advice of the committee, be authorized to summon the members to meet at Trenton or Princeton, in New Jersey; that an express be sent to General Washington for a detachment of regular troops. The conference with the Executive produced nothing but doubts concerning the disposition of the militia to act, unless some actual outrages were offered to persons or property. They even doubted whether a repetition of the insult to Congress would be a sufficient provocation. Neither the exhortations of the friends of President

[a] American State Papers, vol. 7, pp. 572, 573.
[b] American State Papers, vol. 7, p. 573.
[c] American State Papers, vol. 7, p. 574.

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Dickinson, nor the reproaches of his enemies could obtain an experiment on the temper of the militia.[a]

Self-evident as were the reasons advanced by the Secretary of War, the General in Chief, and the officers responsible for military administration, it was not until the 5th of July, 1838, more than two years and a half after the commencement of the war, that they produced the desired effect.

The first section of the law of that date increased the regiments of infantry from 7 to 8, and added a company to each regiment of artillery. The same section raised the enlisted strength of each company of artillery to 77, the infantry to 90, and reduced the second lieutenants of artillery in each company from 2 to 1.

The second section added to the Corps of Engineers 1 lieutenant-colonel, 2 majors, 6 captains, 6 first lieutenants, and 6 second lieutenants.

The fourth section made the corps of topographical engineers consist of 1 colonel, 1 lieutenant-colonel, 4 majors, 10 captains, 10 first lieutenants, and 10 second lieutenants.

The seventh section authorized the President to appoint not exceeding 2 Assistant Adjutants-General, with the brevet rank and pay of major, and 4 with the brevet rank and pay of captain of cavalry, who were to be transferred from the line, without vacating their commissions or losing promotion therein, and who, in addition to the duties of their new offices, were, when necessary, to perform the duty of Assistant Inspector-General.

The ninth section authorized the President to add to the Quartermaster's Department not to exceed 2 Assistant Quartermasters-General with the rank of colonel, 2 Deputy Quartermasters-General with the rank of lieutenant-colonel, and 8 assistant quartermasters with the rank of captain. The last part of this section contained the proviso:

> That all appointments in the Quartermaster's Department shall be made from the Army, and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank and be separated from the line of the Army, and that promotion in said department shall take place as in regiments and corps.[b]

The eleventh section added to the Commissary Department 1 Assistant Commissary-General of Subsistence, with the rank and pay of a lieutenant-colonel of cavalry; 1 commissary of subsistence, with the rank and pay of quartermaster of the Army, and 3 commissaries of subsistence, with rank and pay of assistant quartermaster of the Army.

The thirteenth section authorized the President to add to the Ordnance Department, 2 majors and empowered him to transfer from the artillery to the ordnance, 10 first lieutenants and 10 second lieutenants.

The fifteenth section gave every officer of the line and staff of the Army, exclusive of general officers, an extra ration per day, for every five years' service.

The sixteenth section fixed the monthly pay of the rank and file as follows: sergeant-majors or ordnance sergeants, $17; first sergeants, $16; other sergeants, $13; artificers, $11; corporals, $9; privates, $8.

From each of the above grades $2 per month was retained, till the expiration of the soldier's term of service.

The twenty-second section authorized two of the regiments of

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[a] The Madison Papers, vol. 1, pp. 551–553, letter to Edmund Randolph.

[b] Callan's Military Laws of the United States, ninth section, p. 344.

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infantry to be armed and equipped as riflemen, and one regiment as light infantry.

The twenty-fifth section alone, recognized the principle of expansion, by authorizing the President, whenever volunteers or militia were called into the service, to appoint, if necessary, one additional paymaster for each two regiments, provided that paymasters so appointed should continue in service, only so long as they were required to pay volunteers and militia.

The twenty-eighth section required cadets on entering the United States Military Academy, to engage to serve the Government eight years, unless sooner discharged.

The twenty-ninth section gave three months' extra pay to reenlisted soldiers, and accorded a bounty of 160 acres of land to every soldier, discharged after ten years' faithful service.

The thirty-first section prohibited the detail of officers of the line, on works of internal improvements, in the service of incorporated companies, or as disbursing agents for the Indian Department, whenever such detail would separate them from their regiment or companies. The thirty-third and last section authorized the appointment of 7 additional surgeons.

This law, evidently passed in considerable haste, was modified in several important particulars by the act of July 7.

The third section of this act repealed so much of the ninth section of the preceding law, as prescribed that assistant quartermasters should be separated from the line.

The fourth limited the lieutenants of artillery to be transferred to the ordnance, to 12.

The fifth section reduced the pay of a private from $8 to $7 per month, of which $1 was to be retained.

The seventh section prescribed that the 3 commissaries of subsistence should not be separated from the line.

The eighth section repealed the bounty of 160 acres to be granted, for ten years' faithful service.

The following tables show the organization of the Army, before and after the passage of the acts of 1838, viz:

Before 1838.[a]	Officers.	Men.	Aggregate.	After 1838.[b]	Officers.	Men.	Aggregate.
General staff.				*General staff.*			
Major-general	1	.....	1	Major-general	1	.....	1
Brigadiers-general	2	.....	2	Brigadiers-general	2	.....	2
Adjutant-general	1	.....	1	Adjutant-general	1	.....	1
				Assistant adjutants-general (majors).	2	(c)	2
				Assistant adjutants-general (captains).	4	(c)	4
Inspectors-general	2	.....	2	Inspectors-general	2	.....	2
Quartermaster-general	1	.....	1	Quartermaster-general	1	.....	1
				Assistant quartermasters-general.	2	.....	2
				Deputy quartermasters-general.	2	.....	2
Quartermasters	4	.....	4	Quartermasters	4	.....	4
				Assistant quartermasters	28	(c)	28
Commissary-general of subsistence.	1	.....	1	Commissary-general of subsistence.	1	.....	1
				Assistant commissary-general of subsistence.	1	.....	1

[a] American State Papers, vol. 6, p. 1022.
[b] Army Register, 1839.
[c] Detailed from the line.

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Before 1838.	Officers.	Men.	Aggregate.
General staff—Continued.			
Commissaries	2	.....	2
Surgeon-general	1	.....	1
Surgeons	15	.....	15
Assistant surgeons	60	.....	60
Paymaster-general	1	.....	1
Paymasters	17	.....	17
Commissary-general of purchases.	1	.....	1
Military storekeepers	2	.....	2
	111	.....	111
Corps of Engineers.			
Colonel	1	.....	1
Lieutenant-colonel	1	.....	1
Majors	2	.....	2
Captains	6	.....	6
First lieutenants	6	.....	6
Second lieutenants	6	.....	6
	22	.....	22
Corps of Topographical Engineers.			
Majors	6	.....	6
Captains	4	.....	4
	10	.....	10
Ordnance.			
Colonel	1	.....	1
Lieutenant-colonel	1	.....	1
Majors	2	.....	2
Captains	10	.....	10
Enlisted men	.....	294	294
	14	294	308
Dragoons.			
Two regiments (20 companies).			
Colonels	2	.....	2
Lieutenant-colonels	2	.....	2
Majors	2	.....	2
Adjutants	2	.....	2
Company officers	60	.....	60
Enlisted men	.....	1,430	1,430
	68	1,430	1,498
Artillery.			
Four regiments (36 companies).			
Colonels	4	.....	4
Lieutenant-colonels	4	.....	4
Majors	4	.....	4
Adjutants	.....	.....	.....
Company officers (1 captain, 2 first lieutenants, 2 second lieutenants)	180	.....	180
Enlisted men	.....	1,988	1,988
	192	1,988	2,180

After 1838.	Officers.	Men.	Aggregate.
General staff—Continued.			
Commissaries (majors)	2	.....	2
Commissaries (captains)	[a] 4	.....	4
Surgeon-general	1	.....	1
Surgeons	22	.....	22
Assistant surgeons	60	.....	60
Paymaster-general	1	.....	1
Paymasters	18	.....	18
Commissary-general of purchases.	1	.....	1
Military storekeepers	2	.....	2
	162	.....	162
Corps of Engineers.			
Colonel	1	.....	1
Lieutenant-colonels	2	.....	2
Majors	4	.....	4
Captains	12	.....	12
First lieutenants	12	.....	12
Second lieutenants	12	.....	12
	43	.....	43
Corps of Topographical Engineers.			
Colonel	1	.....	1
Lieutenant-colonel	1	.....	1
Majors	4	.....	4
Captains	10	.....	10
First lieutenants	10	.....	10
Second lieutenants	10	.....	10
	36	.....	36
Ordnance.			
Colonel	1	.....	1
Lieutenant-colonel	1	.....	1
Majors	4	.....	4
Captains	10	.....	10
First lieutenants	6	.....	6
Second lieutenants	6	.....	6
Enlisted men	.....	294	294
	28	294	322
Dragoons.			
Two regiments (20 companies).			
Colonels	2	.....	2
Lieutenant-colonels	2	.....	2
Majors	2	.....	2
Adjutants	2	.....	2
Company officers	60	.....	60
Enlisted men	.....	1,430	1,430
	68	1,430	1,498
Artillery.			
Four regiments (40 companies).			
Colonels	4	.....	4
Lieutenant-colonels	4	.....	4
Majors	4	.....	4
Adjutants	.....	.....	.....
Company officers (1 captain, 2 first lieutenants, 1 second lieutenant)	160	.....	160
Enlisted men	.....	2,848	2,848
	172	2,848	3,020

[a] Detailed from the line.

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Before 1838.	Officers.	Men.	Aggregate.	After 1838.	Officers.	Men.	Aggregate.
Infantry.				*Infantry.*			
Seven regiments (70 companies).				Eight regiments (80 companies).			
Colonels	7	.....	7	Colonels	8	.....	8
Lieutenant-colonels	7	.....	7	Lieutenant-colonels	8	.....	8
Majors	7	.....	7	Majors	8	.....	8
Adjutants	.....	.....	.....	Adjutants	.....	.....	.....
Company officers (1 captain, 1 first lieutenant, 1 second lieutenant)	210	.....	210	Company officers (1 captain, 1 first lieutenant, 1 second lieutenant)	240	.....	240
Enlisted men	.....	3,598	3,598	Enlisted men	.....	7,232	7,232
	231	3,598	3,829		264	7,232	7,496
Total commissioned	648	.....	.....	Total commissioned	773	.....	.....
Total enlisted	.....	7,310	.....	Total enlisted	.....	11,804	.....
Total aggregate	.....	.....	7,958	Total aggregate	.....	.....	12,577

It will be observed that the ills springing from detached service were but partially cured. In failing to provide supernumeraries in the Quartermaster's and Commissary's Departments, two most important branches of the staff, as in the past, could only be made efficient at the expense of the line.

To the prejudice of true economy, the other great defect of the law of 1821, the nonexpansion of the rank and file, was also only remedied in part. Instead of authorizing the President to expand the Army to a given limit, with like power to reduce it by a mere Executive order, the moment the public interest would permit, Congress prescribed a war maximum which might continue months after the emergency had ceased and could only be lessened by the slow and uncertain process of legislation.

COMPLICATIONS WITH GREAT BRITAIN.

During the years 1838 and 1839, serious complications arose along the Niagara frontier, portending a third war with Great Britain.

The first difficulty occurred on the 29th of December, 1837, when an expedition from Canada crossed over to the American side and killed several persons, setting the steamer *Caroline* on fire and sending her adrift over the falls.

The object of the expedition was to cut off communication with a small body of Americans, who had invaded British territory and were holding forcible possession of Navy Island.

Partly to resist further aggression, but more especially to enforce the neutrality of more than 200,000[a] of our citizens, who had banded together under the name of "Canadian Patriots," with the object of invading and annexing Canada, General Scott was despatched to the frontier, with full authority to call on the governors of all the border States, including Virginia and Kentucky, for such a force of militia as he might deem expedient.

In addressing the excited crowds along the border, General Scott, making a virtue of necessity, was compelled to inform the people:

> I stand before you without troops, and without arms save the sword at my side.[b]

At this critical moment 9 of the 13 regiments of the Army, including

[a] Scott's Autobiography, vol. 1, p. 305.
[b] Scott's Autobiography, vol. 1, p. 312.

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the whole of the artillery, were in Florida, the 4 remaining regiments being nearly all distributed at great distances along the western frontier.

On the 15th of January, General Scott informed the commanding officer of the British armed vessels on the Niagara, that the governor of New York and himself were at hand, "to enforce the neutrality of the United States and to protect our own soil or waters from violation."[a]

The next day the steamer *Barcelona*, which had replaced the *Caroline*, was to return from Navy Island to Buffalo, and on the nature of her passage depended the question of peace or war. As she passed along, the British withheld their fire, the pacific disposition of the American commander having triumphed.[b]

While the incident of the *Barcelona* proved the climax of the troubles along the Niagara River, the agitation continued till 1839, when another and more serious difficulty occurred regarding the boundary of Maine.

To meet this emergency, the Regular Army being still engaged in Florida and the Southwest, Congress again resolved to trust to raw troops.

By the act of March 3, it authorized the President—

to resist any attempt on the part of Great Britain to enforce, by arms, her claim to jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain,

and for that purpose he was empowered to employ the naval and military forces of the United States and such portions of the militia, as he might deem it advisable to call into service.

The third section, in case of actual invasion, or of imminent danger from such invasion, discovered to exist before Congress could be convened to act on the subject, authorized the President to accept the services of not exceeding 50,000 volunteers, who were to furnish their own clothes and horses and to serve six or twelve months, after arriving at the place of rendezvous.

The fifth section placed $10,000,000 at the disposal of the President, for the purposes of executing the act, which, by the sixth and last section, was to continue in force until the end of sixty days after the meeting of the first session of the following Congress.

A glance at this law, for the passage of which General Scott claimed special credit,[c] shows that on its face there was no indication that Congress had either appreciated or been able to profit by the losses of the Revolution, the War of 1812, or even by its own two years' experience with the Florida War. Fortunately for the country, a repetition of the disasters which marked the beginning of the War of 1812 was averted by a peaceful settlement.

CAMPAIGNS FROM 1838 TO 1842.

The war in Florida was conducted henceforward by a succession of commanders, who mostly limited their operations to the combined movements of small detachments numbering from 50 to 100 men each.

On the 15th of May, 1838, General Jesup was relieved, at his own request, and succeeded by Col. Zachary Taylor. From the beginning

[a] Scott's Autobiography, vol. 1, p. 315.
[b] Scott's Autobiography, vol. 1, p. 316, 317.
[c] Scott's Autobiography, vol. 2, p. 333.

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of General Jesup's second campaign—1st September, 1837—until he relinquished command, the number of Indians killed was estimated at 35, the captured at 1,955; the negroes and Indians who voluntarily surrendered were computed at 2,400, of whom 700 were warriors. After this, up to the summer of 1839, the Indians rarely if ever engaged the regular troops.

In May, 1839, General Macomb visited Florida, and on the 18th of the month promulgated the following general order:

> The Major-General Commanding in Chief, has the satisfaction of announcing to the army in Florida, to the authorities of the Territory, and to citizens generally, that he has this day terminated the war with the Seminole Indians, by an agreement entered into with Chitto Tustenuggee, principal chief of the Seminoles, and successor to Arpeika, commonly called Sam Jones, brought to this post by Lieutenant-Colonel Harney, Second Dragoons, from the southern part of the Peninsula.

By the terms of the treaty, hostilities were to cease immediately, the Indians to retire within sixty days to territory south of Pease Creek, where, being protected from intrusion by the troops, they were "to remain till further arrangements could be made." Within this territory no citizen was to enter, without the permission of post commanders.

Relying on the good faith of the Indians, the citizens again returned to their homes, but on the 23d of July, Colonel Harney, who had gone with about 40 men to the Coloosahatchee River, to establish a trading post pursuant to the treaty, was treacherously attacked just before dawn and 18 of his men massacred, himself and 13 others escaping. This treachery renewed the war for a third time with all its former aggravations, the citizens again abandoned their plantations, the Indians appeared in small parties, carrying dismay throughout the Peninsula, while the troops, in small detachments, resumed the almost fruitless task of scouting the forests and swamps. In the summer of 1840, General Taylor was relieved from duty at his own request, and ordered to turn over the command to General Armistead. Under General Armistead, the Territory was divided into seven military districts. The regular troops at his disposal consisted of:

	Officers.	Men.	Aggregate.
Present for duty	241	3,403	3,644
Sick	7	564	571
On extra duty and daily duty, absent, sick, etc.	.....	.....	726
Aggregate present and absent	.....	.....	4,941

In addition a force of 1,500 militia—500 foot and 1,000 mounted—were being raised for operations in north Florida. After directing military movements until the summer of 1841, General Armistead, at his own request, was ordered to turn over the command to Colonel Worth of the Eighth Infantry. This officer inaugurated a system of summer campaigns, which destroyed the crops and other means of subsistence of the Indians and soon forced them to sue for peace.

The character of the country traversed in these campaigns is thus described by General Sprague:

> The undergrowth is almost impenetrable, consisting of scrub oak, palmetto, and grapevines, so thick that a passage can only be made with the assistance of an ax, cutting a footpath as through a wall. At the distance of 10 feet an individual is totally obscured. The wet hummocks are more formidable but less frequented. In most of them the water stands the year around from 4 to 6 inches deep, with a thick

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undergrowth, intermixed with cypress stumps and trees. The cypress swamps are generally filled with water from 1 to 3 feet deep. The trees are covered with a heavy, dark-green moss, festooned from tree to tree like drapery, totally obscuring the sun, almost the light of day. A green scum floats upon the surface and when disturbed by footmen, the atmosphere becomes impregnated with a noxious effluvium.[a]

In speaking of the sacrifices and sickness of the troops, General Sprague continues:

These columns or detachments continued in the field twenty-five days, but of 600 men comprising the total number engaged, in wading swamps and hummocks, 220 were from time to time reported sick. Of this number, 130 were sent to the general hospital, totally unfit for any duty whatever. Fever and dysentery were the prevailing diseases. Officers and soldiers were inevitably exposed to the vicissitudes of the climate. Day after day they were wet to the skin, then subjected to a burning sun, causing an atmosphere to arise from the heated sand almost unsupportable.

The bands of Indians, which for years had lived from season to season, in the enjoyment of abundance, celebrating their corn dances and festivals, harassing the white man as suited their convenience or inclination, were now driven in small parties to remote and unhealthy hiding places. The foundation of the contest was reached, which inspired all with the hope of future success.[a]

The sick report for July, 1841, the first month after the inauguration of the new policy, showed that 2,428 officers and men were taken sick, of whom 815 men were returned to duty, 31 died, and 11 discharged for disability. In August 2,023 were taken sick, of whom 806 were returned to duty, 21 died, and 13 discharged for disability.

The available regular force present from June 1, 1841, to February 28, 1842, numbered 245 officers and 4,747 men. The number of cases of sickness during the same time was 15,794.

While the troops were thus exposed to the ravages of disease, the effect of the campaign upon the Indians more than justified the wisdom of the new policy. The Indians were finally so reduced in numbers, that Colonel Worth, on the 14th of February, 1842, was able to report their whole strength at 112 warriors and 189 women and children; total, 301.

Instead of further wasting his command in profitless scouts, he recommended that the number of troops in Florida be reduced; that those who remained be stationed at different posts for the protection of the country; that offensive operations cease; that the Indians be assured of being unmolested in future, so long as they were peaceful, and that efforts be then made, through delegates from Arkansas, to persuade them to emigrate west of the Mississippi.

These terms, substantially the same as those advocated by General Jesup when the Indians surrendered in 1838, were referred at Washington to a council of officers, by whom they were disapproved. Operations were accordingly resumed; but on the 10th of May, 1842, the President, in a message to Congress, approved Colonel Worth's recommendations, and that officer, on the 14th of August, announced in orders that "hostilities with the Indians in Florida have ceased."

By the terms of the order, the Indians were granted a temporary reservation to the south of Pease Creek, where they remained so peaceful that in November, 1843, Colonel Worth wrote to the Adjutant-General:

Since the pacification of August, 1842, these people have observed perfect good faith and strictly fulfilled their engagements; not an instance of rudeness toward the whites has yet occurred. They plant and hunt diligently, and take their game and skins to Fort Brooke, procure the necessaries they desire, and return quietly to their grounds.

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[a] Sprague's History of the Florida War, p. 283.

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MILITIA FORCED UPON THE GOVERNMENT.

The weakness of our military system was proven at various times during the War of 1812, by the refusal of governors to call out the militia. The Florida War, by way of contrast, afforded instances where militia were persistently forced upon the Government, in spite of its efforts to economize. Such was notably the case in 1841, when, on account of a few murders and some alleged signs of Indians, the Secretary of War was induced to authorize Colonel Worth, to muster in two companies of militia for three months. On the 17th of August, in a reply to the Secretary, after stating that it was not in human foresight to prevent even isolated cases of violence, Colonel Worth added that—

> it will be with extreme reluctance, and only in the last resort, that I shall muster in militia, and I must be permitted to add that a desire for the service enters largely into every panic.

One feature of this proposed employment of the militia was that they should be independent of the army commander, a proposition which was promptly rejected by the Secretary. He wrote to the governor as follows:

> It is not perceived that any advantage can be reasonably expected from a division of the command in Florida, but rather, it is apprehended that great inconvenience might result, from want of concert, of action between two commanders. The Government has entire confidence in the disposition and ability of Colonel Worth, not only to conduct offensive operations against Indians, but also through his subordinate officers, to afford all requisite and proper protection to the frontier and inhabitants, and for this purpose he has been authorized, whenever he might deem it expedient, to call into service any portion of the militia, not exceeding one regiment.

Efforts to have the militia called out were not confined to Florida. Governor McDonald, of Georgia, being unable to convince either the military commander, or the authorities at Washington of actual danger, as evinced by signs and tracks, finally, on his own authority, ordered two companies into the field, and in explanation of his action wrote to Colonel Worth, September 15, 1841, as follows:

> But, be the cause what it may, I can not consent to permit the people of this State to be exposed to the depredations of the Indians, and have ordered out 2 companies of mounted men for their protection. I must ask you to supply them with the necessary forage and subsistence, as long as it is necessary to retain them in service.

To this Colonel Worth replied:

> I do not consider myself authorized to comply with your Excellency's requisition to supply these troops with forage and subsistence. The subject will be referred to the proper department at Washington, whence I may expect to receive instructions.

This reply was accompanied by a report as to the disposition of 10 companies, occupying nine different posts, for the protection of Georgia, and stated that active scouting parties had been kept up during the summer, from Traders Hill and Fort Moniac, without discovering any Indian signs.

On the same date, October 17, 1841, Colonel Worth, in reporting the disposition of the troops, wrote to the Commander in Chief:

> In reply to his Excellency I have considered it out of place to make any remark touching the expediency of the measure, but have deemed it my duty to admonish the staff departments to do no act, that would in any sense commit the Department of War, in respect of troops thus in the field.

Under instructions from the General in Chief, General Scott, Captain Bliss was ordered to report to Colonel Worth, for the purpose of

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mustering in or mustering out the companies called out by the governor. After investigation, one company was mustered in November 18 and discharged December 30; the other was mustered in a few days later and discharged November 30. Reporting to the Adjutant-General of the Army, Captain Bliss stated:

From the best information I can obtain, there has not existed the slightest necessity for calling these militia companies into the service. Intelligent officers assure me that there has not been an Indian in the swamps this summer. Persons are not wanting to report signs from time to time, and parties of regular troops have repeatedly been called out on the most frivolous alarms.

On his return to Washington, Captain Bliss made a full report as to affairs in Georgia, showing that adequate measures had been taken for the protection of the frontier. In transmitting this report to Governor McDonald, December 27, 1841, the Secretary of War, J. C. Spencer, stated:

An Indian frontier, in time of war, can not expect absolute immunity from the depredations of small parties. No amount of force, regular or militia, can prevent the occasional inroads of a daring enemy. * * * It is believed that even were a mounted militia force kept continuously in service, it would contribute but little additional protection to the frontier, beyond that which the inhabitants can afford themselves. Accustomed to the use of arms, and provided as they are with them, the border settlers must necessarily rely upon their material aid for the surest and best protection. This remark is corroborated by the tendency which is known to exist among embodied militia, to disperse to their homes when serving near them. They are aware that when a large portion of a sparse population is collected at a few points, all others are left exposed, and they feel that their families and firesides can not be free from alarm or danger in their absence.

In reference to your remarks respecting the hazard of relying upon the opinions of the officers of the Regular Army, as to the nature and extent of the danger, and the means of guarding against it, it is proper to remark, that those who have served on the frontier have, at least, as good means of information as the militia officers or inhabitants, and are at least disinterested in the recommendations they make.

The officer commanding the army in Florida, is responsible for the suitable application of the force under his orders, not only for the purpose of offensive operations, but also the defense of the settlements of Georgia and Florida. Acting under the high responsibility and with much better means of information than any possessed by this department, he has deemed the existing dispositions for the protection of the Okefenokee Frontier adequate for that purpose, and has therefore declined the services of a militia force. Confirmed as the correctness of his decision has been, by the most recent intelligence received here, I can not undertake to countermand his order for the discharge of the militia force. * * *

I trust there will be no more occasion for calling the militia into service, as all accounts from Florida concur in representing the great probability of a speedy termination to the conflict.

Copies of your communication will, however, be sent to Colonel Worth; but I am bound to advise you that the service of the troops discharged, subsequent to that event and prior to any order from Colonel Worth to retain them, can not be recognized.

I have the honor to forward to you a communication from General Knight, which furnishes evidence of Indian signs that can not be contradicted, and proof of the indisposition of the regular forces to pursue the Indians into their hiding places. It is useless for me to apply to the Government for an efficient force. Those stationed for the protection of the country, instead of discharging their duty, are almost as troublesome as the savages in the work of murder and destruction of property. Of this I have sent you the testimony. I have taken the defense of the State into my own hands, and only write to ask you to remove the regular troops from the territory of Georgia, that I may have the posts occupied by a military force that may be relied on for the protection of the people. I shall ask the delegation of Georgia in Congress to have appropriations made for the militia.

The issue sought in this letter was avoided by the action of Colonel Worth; unaware, he had already withdrawn the troops to strengthen the cordon of posts farther to the south.

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NUMBER OF TROOPS EMPLOYED IN THE FLORIDA WAR.

The number of troops at the commencement of active operations each year, from 1836 to 1841, was as follows:

Date.	Regulars.	Volunteers and militia.	Indians.	Total.
November 30, 1836	1,757	1,713	750	4,220
November 30, 1837	4,552	4,046	178	8,776
November 30, 1838	3,300	371	.....	3,671
November 30, 1839	3,031	793	.....	3,824
November 30, 1840	4,191	1,843	.....	6,034
November 30, 1841	3,801	.....	.....	[a] 3,801

The number of volunteers and militia called into the service from 1835 to 1842 was as follows: [b]

	Officers.	Men.	Total.
Florida War, 1835 to 1842	1,504	26,803	28,307
Creek War, 1836 to 1838	784	9,617	10,351
Cherokee War, 1836 to 1838	542	8,952	9,494
Aggregate	2,780	45,372	[a] 48,152

More than 24,500 officers and men were called out during the year 1836.

If to 48,152 be added 12,539, the largest figures for the Regular Army at any time during the war, the total number of troops in the service at different times from 1835 tc 1842 amounts to 60,691. [c]

LOSSES OF THE WAR.

The bad policy of depending upon war levies engaged for brief terms of service, greatly protracted the long struggle with the Seminoles. The prolongation of war, inhuman at best, became, in the deadly climate of Florida, an act of absolute cruelty.

In the Regular Army alone, there being no statistics available for the volunteers and militia, the number of men killed or died of wounds was:

Officers	74
Enlisted men	1,392
Total	[d] 1,466

The loss by death alone, in a portion of our Army, whose maximum strength during this seven years' contest was 4,191, fell but 411 short

[a] Figures furnished by Adjutant-General's Office.

[b] The troops for the Cherokee War did not engage in active hostilities. They were called out to enforce the emigration of the Cherokees west of the Mississippi. This was peacefully accomplished by General Scott, during the interval between the affair of the *Caroline* and the dispute as to the Maine boundary.

[c] The Commissioner of Pensions gives the number of soldiers in the service from 1836 to 1843 as follows:

Southwestern disturbances, 1836	2,803
Cherokee disturbances, 1836–37	3,926
Creek disturbances, 1836–37	13,418
Florida War, 1836 to 1843	41,122
Total	61,269

[d] Adjutant-General's Office.

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of the total number of killed in the War of 1812, in which we had more than half a million of men.

The following figures show the casualties by death in several of the regular regiments:[a]

First Artillery	66	Fourth Infantry	134
Second Artillery	112	Sixth Infantry	139
Third Artillery	169	Seventh Infantry	153
Fourth Artillery	38	Eighth Infantry	74
First Infantry	141	Second Dragoons	217
Third Infantry	71		

These figures, without parallel in our history, may be accepted as a test of the sacrifices which an American army will cheerfully undergo, when disciplined and commanded by officers of military experience and training.

COST OF THE WAR.

Leaving out of consideration the loss of life along the frontiers, as well as to the pecuniary damage incident to the destruction or forced abandonment of property, and without computing the losses due to the calling away from their active industries, the thousands of citizens who were summoned to the field, at the beginning of the Indian hostilities in 1835 and 1836, the subjoined tables demonstrate with how little success the Government economized, from the close of the War of 1812 to the end of the Florida campaign.

The first table gives the expenditures of the United States for the War and Navy Departments from 1817, when the Army reduction of 1815 took effect, to the reduction of the Army in 1821; the second gives the same expenditures from the reduction of the Army in 1821, to the year 1835; the third, the expenditures for all Indian disturbances in Florida and elsewhere, during the seven years' war with the Seminoles.[b]

TABLE 1.

Year.	War.	Navy.
1817[c]	$8,004,286.53	$3,314,598.49
1818	5,622,715.10	2,953,695.00
1819	6,506,300.37	3,847,640.42
1820	2,630,392.31	4,387,990.00
1821	4,461,291.78	3,319,243.06
Total	27,224,986.09	17,823,166.97

TABLE 2.

1822	$3,111,961.48	$2,224,458.98
1823	3,096,924.43	2,503,765.85
1824	3,340,939.85	2,904,581.56
1825	3,659,914.18	3,049,083.86
1826	3,943,194.37	4,218,902.45
1827	3,948,977.88	4,263,877.45
1828	4,145,544.56	3,918,786.44
1829	4,724,291.07	3,308,745.47
1830	4,767,128.88	3,239,428.63
1831	4,841,835.55	3,856,183.07
1832	5,446,034.88	3,956,370.29
1833	6,704,019.10	3,901,356.75
1834	5,696,189.38	3,956,260.42
1835	5,759,156.89	3,864,939.06
Total	63,186,132.50	49,166,740.26

[a] Adjutant-General's Office.

[b] Annual Report of the Secretary of the Treasury for 1877, p. 14.

[c] The expenditures for the year 1816 were: War, $16,012,096.80; Navy, $3,908,278.30.

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TABLE 3.

Year.	War.	Navy.
1836	$11,747,345.25	$5,807,718.23
1837	13,682,730.80	6,646,914.53
1838	12,897,224.16	6,131,580.53
1839	8,916,995.80	6,182,294.25
1840	7,095,267.23	6,113,896.89
1841	8,801,610.64	6,001,076.97
1842	6,610,438.02	8,397,242.96
Total	69,751,611.50	45,280,724.35

We see from the second table that by maintaining a nonexpansive Army of less than 4,000 combatants, for fourteen years the expenditures from 1821 to 1836 were $63,000,000.

The third table shows that as a consequence of this economy, the expenditures for the next seven years were $69,000,000.

To fully appreciate the cost of unwise legislation it must be remembered—

First. That as the President could not add an enlisted man to the Army, he was forced to call upon the governors for militia, and that the number who rushed to arms in 1835 approached 25,000.

Second. That Congress in 1836, contrary to the reiterated recommendations of the Secretary of War and the military commanders, expressed its preference for raw levies, not only by refusing to increase the enlisted men in the skeleton companies of the Regular Army, but more markedly still, by authorizing the President to accept the services of 10,000 volunteers, enlisted not for the war but for the period of six or twelve months.

Third. That it was not till 1838, or until after the militia enthusiasm had subsided and the law authorizing the employment of volunteers had expired, that Congress could be induced to increase the Army to 12,539 men.

With these peculiarities of legislation before us, if we recur to the table, it will appear that the expenditures for the first three years of the war were $38,327,300.21, while for the last four years they were $31,424,311.29, which was equivalent to a saving of nearly $5,000,000 a year.

The following statement called for by Congress, March 22, 1838, and submitted to it May 8, nearly two months before the increase of the Army, exhibits the comparative cost of a company of regulars, of volunteers, and of militia:

Period.	Regulars.		Volunteers.		Militia.	
	Dragoons.	Infantry.	Mounted.	Foot.	Mounted.	Foot.
6 months	$13,573.34	$4,662.06	$22,575.01	$7,287.69	.....	.....
3 months	6,786.67	2,331.00	13,553.69	4,973.83	$12,079.69	$3,674.53
1 month	2,262.22	777.00	7,583.58	3,888.53	5,800.14	2,102.25

In this table are included expenses for traveling to and from rendezvous, hire of horses, indemnity for same, as also clothing, etc.

The amount of money disbursed through the Pay Department to

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troops in Florida from the commencement of hostilities to the 1st of October, 1840, was as follows:

Regular Army:	
Officers, embracing their pay, rations, forage, and clothing for servants	$692,076.20
Men, embracing pay and clothing	1,135,459.09
Total	1,827,535.29
Militia:	
Officers	743,360.88
Men	2,332,663.41
Total	[a]3,076,024.29

In comparing the amount actually paid to the two classes of troops, and which combined was less than one-twelfth of the total war expenditures, it should be observed that the regular troops, who were continuously in service for the whole five years, received one-third less than the raw troops, whose average service did not exceed three months.

REDUCTION OF THE ARMY.

On the 23d day of August, 1842, nine days after the official announcement of the cessation of hostilities, an act of Congress reduced the Army from 12,539 officers and men to 8,613.

This result in the line, was wisely effected without disbanding any regiments, by simply converting the second regiment of dragoons into a regiment of riflemen and by reducing the rank and file of each company in the different arms of service as follows: dragoons, from 71 to 61; artillery, from 71 to 54; infantry, from 90 to 52.

The reduction in each company was in private soldiers alone, except in the artillery, where the artificers were reduced from 3 to 2.

The third section of the law abolished the office of Commissary-General of Purchases; his duties were devolved on the Quartermaster's Department.

The fourth section reduced the Inspectors-General from 2 to 1, the paymasters from 18 to 15, surgeons from 22 to 20, and assistant-surgeons from 60 to 50.

No other changes were made in the line or staff, as organized by the law of 1838.

The Army now consisted of:

STAFF.

	Officers.	Men.	Aggregate.
General officers	3	.....	3
Adjutant-General's Department	1	.....	1
Detailed from the line in the Adjutant-General's Department	6	.....	6
Total	7	.....	7
Inspector-General	1	.....	1
Quartermaster's Department	9	.....	9
Detailed from the line	28	.....	28
Total	37	.....	37

[a] Figures furnished by the Paymaster-General.

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STAFF—Continued.

	Officers.	Men.	Aggregate.
Commissary Department	4	.....	4
Detailed from the line	4	.....	4
Total	8	.....	8
Medical Department	71	.....	71
Pay Department	16	.....	16
Purchasing Department (military storekeepers)	2	.....	2
Corps of Engineers	43	.....	43
Corps of Topographical Engineers	36	.....	36
Ordnance	43	290	333
Total staff and staff departments	267	290	557

LINE.

Arm of service.	Regiments.	Companies.	Officers.	Men.	Aggregate.
Dragoons	1	10	34	615	649
Artillery	4	40	172	2,168	2,340
Infantry	8	80	264	4,192	4,456
Riflemen	1	10	34	615	649
Total	14	140	504	7,590	8,094

Total staff, staff departments, and line, 8,613.[a]

The second regiment of dragoons was not to be dismounted and converted into riflemen, till after the 4th of March, 1843.

The wisdom of not disbanding this regiment soon became apparent, and the law of April 4, 1844, remounted it with its former designation.

The population of the United States at the date of the above army reduction exceeded 17,000,000.

LESSONS OF THE WAR.

The lessons taught by this war are:

First. That its expense was tripled, if not quadrupled, by that feature of the law of 1821 which gave the President, in times of emergency, no discretion to increase the enlisted men of the Army.

Second. That, as in every previous war, after successfully employing for short periods of service militia and volunteers, and exhausting their enthusiasm, Congress found it more humane and economical to continue hostilities with regular troops, enlisted for the period of five years.

Third. That for want of a well-defined peace organization, a nation of 17,000,000 of people contended for seven years with 1,200 warriors and finally closed the struggle without accomplishing the forcible emigration of the Indians, which was the original and sole cause of the war.

Without dwelling on the needless sacrifice of life, these hard lessons would have been cheaply learned, could Congress, at the end of the conflict, have appreciated the value of expansive organization. By withholding from the President authority to add a few enlisted men to the Army, it committed the same great error as in 1821. We shall see that this error more than doubled the cost and length of another war, which despite the mistakes of military legislation, was soon to add to the luster of our arms.

[a] The 28 officers detailed on the staff being included in their regiments, do not appear in the aggregate, 8,613.

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CHAPTER XV.

THE MILITARY POLICY OF THE UNITED STATES DURING THE MEXICAN WAR.[a]

Palo Alto, Resaca de la Palma, Monterey, Buena Vista, the siege and capture of Vera Cruz, Cerro Gordo, Contreras, Churubusco, and El Molino del Rey contributed an unbroken chain of victories preceding the entrance of our troops into the capital of Mexico.

Successes so brilliant would apparently denote the perfection of military policy, but, paradoxical as it may seem, official documents establish the fact that they were achieved under the very same system of laws and executive orders which in the preceding foreign war had led to a series of disasters culminating in the capture and destruction of our capital.

The explanation of this paradox is to be found partly in the difference of character of our adversaries, but more especially in the quality of the Regular Army with which we began the two wars. For the Mexican war, as for the war of 1812, the Government had ample time to prepare. The admission of Texas into the Union on the 1st of March, 1845, which was ratified by that State on the ensuing 4th of July, was followed in August by the advance of our Army to Corpus Christi.

On the 6th of August the Adjutant-General, by direction of the Secretary of War, wrote to the commander, General Taylor:

> Although a state of war with Mexico or an invasion of Texas by her forces may not take place, it is nevertheless deemed proper and necessary that your force should be fully equal to meet with the certainty of success any crisis which may arise in Texas, and which would require you, by force of arms, to carry out the instructions of the Government.[b]

He was directed to learn from the authorities of Texas what additional force could, in case of need, be placed at his disposal, and given authority to call them into service, coupled, however, with the economical restriction:

> Such auxiliary volunteer force from Texas, when events, not now revealed, may justify their employment, will be organized and mustered under your orders, and be received into the service of the United States when actually required in the field to repel invasion,[c] actual or menaced, and not before.

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[a] Note indorsed upon this chapter in the handwriting of General Sherman was as follows: "I read this before sending to Garfield. I think it very good and suggest no amendment.—W. T. S." And again, in General Garfield's handwriting: "This is very good.—J. A. Garfield."—EDITORS.

[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 83.

[c] House Ex. Doc. No. 60, Thirtieth Congress, first session, pp. 83, 84.

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The same paragraph of this order informed the commander that—

It should be understood that as yet no provision exists by law for the payment of such forces, but appropriations for that purpose will doubtless be made by Congress. * * *

The amount and description of the force to be mustered into the service of the United States is left to your determination, and, of course, to be regulated by circumstances.[a]

August 23, 1845, the Secretary of War wrote:

The information hitherto received as to the intentions of Mexico and the measures she may adopt, does not enable the Administration here to give you more explicit instructions in regard to your movements than those which have been already forwarded to you. There is reason to believe that Mexico is making efforts to assemble a large army on the frontier of Texas for the purpose of entering the Territory and holding forcible possession of it. Of their movements you are doubtless advised, and we trust have taken, or early will take, prompt and efficient steps to meet and repel any such hostile incursion. Should Mexico assemble a large body of troops on the Rio Grande and cross it with a considerable force, such a movement must be regarded as an invasion of the United States and the commencement of hostilities. You will, of course, use all the authority which has been or may be given you to meet such a state of things. Texas must be protected from hostile invasion, and for that purpose you will of course employ to the utmost extent all the means you possess or can command. * * *

Should Mexico declare war, or commence hostilities by crossing the Rio Grande with a considerable force, you are instructed to lose no time in giving information to the authorities of each or any of the above-mentioned States[b] as to the number of volunteers you may want from them respectively. Should you require troops from any of these States, it would be important to have them with the least possible delay. It is not doubted that at least two regiments from New Orleans and one from Mobile could be obtained and expeditiously brought into the field. You will cause it to be known at these places what number and description of troops you desire to receive from them in the contemplated emergency. The authorities of these States will be apprised that you are authorized to receive volunteers from them, and you may calculate that they will promptly join you when it is made known that their services are required.[c]

To "meet with the certainty of success" any crisis that might arise in Texas, the commander was given on paper an aggregate of 4,000 men of the Regular Army, with power to call from States, near and remote, such force of volunteers as in his discretion he might judge expedient.

Three days later, August 26, the Secretary of War informed the Governors of Alabama, Mississippi, and Louisiana by letter that General Taylor had been appointed to command the "army of occupation" and requested him to furnish such a force of militia as General Taylor might designate. August 28 similar letters were sent to the Governors of Kentucky and Tennessee. August 30 the Secretary of War wrote General Taylor:

The instructions heretofore issued enjoin upon you to defend Texas from invasion and Indian hostilities, and should Mexico invade it, you will employ all your forces to repulse the invaders, and drive all Mexican troops beyond the Rio Grande. Should you judge the forces under your command inadequate, you will not fail to draw sufficient auxiliary aid from Texas, and, if there be need, from the States, pursuant to your previous instructions. It is not to be doubted that, on your notification, volunteer troops to the number you may require will rally with alacrity to your standard. You have been advised that the assembling of a large Mexican army on the borders of Texas, and crossing the Rio Grande with a considerable force, will be regarded by

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[a] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 84.

[b] In addition to Texas these States were Louisiana, Alabama, Mississippi, Tennessee, and Kentucky. See letter Hon. William L. Marcy, Secretary of War, to General Taylor, August 23, 1845.—EDITORS.

[c] House Ex. Doc. No. 60, Thirtieth Congress, first session, pp. 84, 85.

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the Executive here as an invasion of the United States and the commencement of hostilities. An attempt to cross the river with such a force will also be considered in the same light. * * *

In case of war, either declared or made manifest by hostile acts, your main object will be the protection of Texas; but the pursuit of this object will not necessarily confine your action within the territory of Texas. Mexico having thus commenced hostilities you may, in your discretion, should you have sufficient force and be in a condition to do so, cross the Rio Grande, disperse or capture the forces assembling to invade Texas, defeat the junction of troops uniting for that purpose, drive them from their positions on either side of that river, and, if deemed practicable and expedient, take and hold possession of Matamoras and other places in the country. I scarcely need to say that enterprises of this kind are only to be ventured on under circumstances presenting a fair prospect of success.[a]

The full significance of these orders should not escape our attention. They not only contemplated the possibility of an invasion, but going far beyond, they looked to a bold and aggressive war to be prosecuted by the same class of troops as were called out at the beginning of the war of 1812.

But this was not all. In plain violation of the Constitution, which only authorizes the employment of militia "to execute the laws of the Union, suppress insurrections, and repel invasions," the orders, in case the General saw fit to call out the militia, sanctioned his entrance into a foreign country with troops of this description. As had already occurred in our history, such a force, pleading constitutional limitations, could have abandoned him the moment he crossed the frontier.

Without dwelling on this germ of dissolution in his army, had he called out and sought to rely upon raw troops, let us under his instructions look at the possibility of receiving timely aid in case of need. Corpus Christi is from 100 to 150 miles from the nearest point on the Rio Grande. Half of this distance, had the enemy been prepared, could possibly have been traversed without exciting the alarm of our commander. Five days later our regular forces, numbering on paper but 4,000 men, might have found themselves face to face with the Mexican army, with no option, under the orders, except to give or receive battle. Even had it taken ten days for the Mexican army to move from the Rio Grande to Corpus Christi, it would have been impossible for a single company or regiment of militia to have joined the army, except possibly from Texas.

The want of care and foresight in these instructions to our commanders was soon to receive a more positive proof. On the 4th of October, 1845, General Taylor wrote from Corpus Christi that if the Government, in settling the question of boundary, proposed the line of the Rio Grande as an ultimatum, he could not doubt that the settlement would be facilitated and hastened by taking possession of one or two points on or near the river.[b]

This suggestion, submitted with great deference, appears to have been adopted, for on the 13th of January, 1846, the Secretary of War, by direction of the President, instructed him to advance and occupy as soon as practicable "positions on or near the east bank of the Rio del Norte." The Secretary stated in conclusion:

It is not designed, in our present relations with Mexico, that you should treat her as an enemy; but should she assume that character by a declaration of war, or any open act of hostility toward us, you will not act merely on the defensive, if your relative means enable you to do otherwise.

[a] House Ex. Doc. No. 60, Thirtieth Congress, first session, pp. 88, 89.
[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 108.

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Since instructions were given you to draw aid from Texas, in case you should deem it necessary, the relations between that State and the United States have undergone some modification. Texas is now fully incorporated into our union of States, and you are hereby authorized to make a requisition upon the Executive of that State for such of its militia force as may be needed to repel invasion or to secure the country against apprehended invasion. [a]

March 2, the Secretary again wrote:

You can not fail to have timely notice of the approach of any considerable Mexican force, and, in that event, will promptly and efficiently use the authority with which you are clothed to call to you such auxiliary forces as you may need. The Governor of Texas has been notified that you are authorized by the President to make a requisition on him for troops, and it is not doubted that he will promptly respond to any call you may make for that purpose.

Your advance to the Rio del Norte will bring you, as a matter of course, nearer to your assailants in case of hostilities, and at the same time remove you to a greater distance from the region from which auxiliary aid can be drawn. This consideration will naturally induce you to take more than ordinary care to be in a safe position and prepared to sustain yourself against any assault. [b]

These instructions were still vague. They gave the commander the undoubted authority to call upon Texas at once, but as the use of the militia was qualified by the expressions "to repel invasion," "to secure the country against apprehended invasion," "the approach of a considerable Mexican force," the responsibility of incurring expense was thrown upon the commander, who, under the spirit of his instructions, could do nothing less than await future events.

In the meantime the necessity for increasing the Regular Army as the only means of insuring economy and safety was not lost sight of by the Government. General Scott, in his annual report in November, 1845, recommended the addition of one regiment of artillery and three of infantry, as also an increase of the number of privates per company in all of the existing regiments. His plan for the increase of the rank and file contemplated the addition of 10 privates to each company of dragoons, and 20 to each company of artillery and infantry, still further qualified by his preference for 100 privates per company. By adopting this plan he added:

Our present skeleton Army may then, without an additional regiment and by the mere addition of privates, be augmented 7,960 men (more than doubled), making a total of noncommissioned officers, etc., of 15,843.

I offer but elements. It is for higher authorities to determine the extent (if any) and mode of augmentation. But I may add that companies with but 42 privates cannot be isolated, as the ordinary service of the frontiers so frequently requires, and hence are often doubled to garrison even some of the smaller posts. [c]

The Secretary of War in his annual report was not less statesmanlike and explicit. After explaining that the concentration of troops in Texas had left the long line of the British frontier guarded by a few posts, that many fortifications on the Atlantic and Gulf coasts were without garrisons, that the troops on the frontier were not more than sufficient to protect the settlements, and that apprehensions and anxiety existed in relation to the abandonment of posts, he continued:

I would respectfully recommend that authority to increase the number of privates in a company, to any number not exceeding eighty should be vested in the President, to be exercised at his discretion, with special reference to what the public interest might suddenly require.

This mode of enlarging the Army, by adding to the rank and file of the present companies, will not, it is believed, impair, but, on the contrary, greatly improve their

[a] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 91.
[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 92.
[c] Senate Ex. Doc. No. 1, Twenty-ninth Congress, first session, p. 210.

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comparative efficiency, and on that account, as well as on the score of economy, is deemed preferable to that of effecting the same object by raising new regiments at this time.

It is only in view of a probability that a force considerably larger than a permanent peace establishment might soon be required that I should prefer the mode of increasing the Army by raising new regiments, organized on our present reduced scale. This scale is undoubtedly too low for actual service and has nothing to recommend it to a preference under any circumstances but the facility it affords of expanding an army so organized by increasing the rank and file, and of rendering it effective for service in a shorter period than new regiments could be raised, organized, and disciplined. [a]

These reports accompanied the President's message on the 2d of December, 1845. Had Congress acted promptly on their recommendations it would not have been necessary, three months later, to have instructed General Taylor to depend upon raw troops.

However, this officer left Corpus Christi on the 8th of March, established en route a base of supplies at Point Isabel, and reached the Rio Grande on the 28th at a point opposite Matamoras.

The next day he wrote to the Adjutant-General:

The attitude of the Mexicans is so far decidedly hostile. An interview has been held, by my direction, with the military authorities in Matamoras, but with no satisfactory result. Under this state of things I must again and urgently call your attention to the necessity of speedily sending recruits to this army. The militia of Texas are so remote from the border * * * that we can not depend upon their aid. The strength gained by filling up the regiments here, even to the present feeble establishment, would be of very great importance. [b]

The army of occupation on arriving opposite Matamoras, was composed as follows:

"Army of Occupation" on the frontiers of Texas, May, 1846. [c]

Regiments and corps.	Number of companies.	Present.		Aggregate present and absent.
		Officers.	Men.	
OLD ESTABLISHMENT.				
General staff	.....	20	.....	20
Second Dragoons	7	13	253	288
First Artillery	4	17	288	344
Second Artillery	4	13	185	217
Third Artillery	4	12	187	210
Fourth Artillery	4	11	169	205
Third Infantry	10	25	372	464
Fourth Infantry	10	23	295	383
Fifth Infantry	10	18	370	472
Seventh Infantry	10	30	345	418
Eighth Infantry	10	27	375	433
Total	73	209	2,839	3,554

By giving each of the 73 companies 100 privates, which might have been done but for a defect in the law, this force could have been raised from 3,554 to 7,300 men, which, with the full quota of officers, noncommissioned officers, and musicians, would have made this force exceed 8,000. This would have given it an effective strength of nearly 6,000 men present for duty.

While these figures are interesting as showing that the needless exposure of our little army had its origin in faulty legislation, the weakness of its numbers in no way daunted its commander. He knew

[a] Senate Ex. Doc. No. 1, Twenty-ninth Congress, first session, p. 195, 196.
[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 132, 133.
[c] House Ex. Doc. No. 24, Thirty-first Congress, first session, p. 8a—table.

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that four-fifths of his officers had received the benefits of professional training at the Military Academy or in the Florida war. Beyond this, he was conscious that the discipline and esprit de corps of his troops had been brought to the highest point by six months of training in the camp of instruction at Corpus Christi. With this preparation and, as has been observed, with practically no authority to increase his force till an invasion should actually take place, the commander was soon destined to confront a large and well-organized Mexican army.

The first collision occurred on the 25th of April, when Thornton's dragoons in a skirmish on the east bank of the river, suffered a loss of 16 killed and wounded. The emergency having come, General Taylor the next day called upon the Governors of Louisiana and Texas for 5,000 volunteers, but, as was to be expected, the call was too late. The enemy had already crossed the river in large force, and was then threatening his line of communication. Loath to abandon his position, he left the Seventh Infantry and two batteries of artillery to garrison Fort Brown, a field work on the left bank of the river, and on the 1st of May marched with the remainder of the army to Point Isabel. Having replenished his trains and provided for the safety of the depot, he began the return march to the Rio Grande on the evening of the 7th. The next day the crisis arrived. The enemy had invested Fort Brown, and at Palo Alto was drawn up in line of battle to dispute his further advance.

The challenge was promptly accepted. At 2 o'clock our troops moved to the attack, and at dark, after a well-contested engagement, were masters of the field. Though beaten, the enemy was not hopelessly demoralized. The next day he gave battle at Resaca de la Palma, but no longer able to resist the ardor of our troops was again defeated and driven in confusion across the Rio Grande.

The force present at Resaca de la Palma numbered 173 officers and 2,049 men, total 2,222, of whom but 1,700 were engaged.[a]

The losses in the two battles were 170 killed and wounded.[b]

The strength of the enemy was estimated at 6,000, and his losses in killed and wounded at 1,000.

In concluding his official report General Taylor stated:

> Our victory has been decisive. A small force has overcome immense odds of the best troops that Mexico can furnish—veteran regiments perfectly equipped and appointed. Eight pieces of artillery, several colors and standards, a great number of prisoners, including 14 officers, and a large amount of baggage and public property have fallen into our hands. The causes of victory are doubtless to be found in the superior quality of our officers and men.[c]

The effect of this brilliant initiative was felt to the end of the war. It gave our troops courage to fight against overwhelming numbers, demoralized the enemy, and afforded a striking proof of the truth of the maxim, "That in war, moral force is to physical as three is to one." In all of the subsequent battles our troops were outnumbered two or three to one, yet they marched steadily forward to victory, and for the first time in our history temporarily convinced our statesmen, if not the people, of the value of professional education and military discipline.

The siege of Fort Brown was raised on the evening of the battle of Resaca de la Palma. On the 11th of May General Taylor proceeded

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[a] General Taylor's official report—Mongomery's Life of General Taylor, pp. 160, 161.
[b] House Ex. Doc. No. 24, Thirty-first Congress, first session Table B.
[c] Montgomery's Life of General Taylor, p. 162.

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to Point Isabel to arrange for the reinforcements which had begun to arrive. On the 18th, all being in readiness, he crossed the Rio Grande without opposition and closed the campaign by the occupation of Matamoras.

The brilliant victories of the army of occupation in its three weeks' campaign should not make us lose sight of the perils it encountered. The advance to the Rio Grande, it is true, was suggested by the commander, but in adopting the suggestion the only modification of his instructions seemed to make them more ambiguous by changing the emergency for calling out raw troops from "invasion or to secure the country against apprehended invasion," to the still more vague "approach of a considerable Mexican force." As the nearest governor was at least 300 miles away, there was no possibility of receiving reenforcements, even if called for in view of the suggested emergency, inasmuch as the enemy could cross the Rio Grande and fight a battle on the same day. And such, in theory, was the plan of General Arista, the Mexican commander. The passage of the river by General Torrejon on April 24, which led to the skirmish on the 25th and to General Taylor's requisition for militia on the 26th, was to have been followed by the main body of the army with the expectation of cutting our line of communication and forcing our army to immediate battle. Delays, however, in crossing the river retarded the movement till the 1st of May, when the army returned to Point Isabel.

The conflict was thus deferred till May 8, when, as we have seen, the battle of Palo Alto was fought three days before the first reenforcements made their appearance at Point Isabel. This act sufficiently proves the want of reflection which dictated the President's instructions. Had they been transmitted through the general in chief, as is now wisely required by law,[a] he could in a measure have been held responsible had he failed to offer his professional advice. But whether or not he was taken into the confidence of the President, the fact still remains that in trying to economize by depending upon raw troops, the orders to our commanders invited a series of disasters from which we were alone rescued by the skill and fortitude of a disciplined army.

Such was the excitement and alarm lest General Taylor's troops should be overwhelmed, that volunteers came forward far beyond the numbers specified in his requisitions. In New Orleans the veteran commander, General Gaines, who in nearly every disturbance since the war of 1812 had called out troops without waiting for instructions from the Government, set to work to organize and equip an army on his own responsibility, the term of enlistment being fixed at six months. So rapidly did he proceed, calling on the governors of Louisiana, Alabama, Mississippi, and Missouri, that, before he could be stopped by being relieved from command, the number of troops sent to General Taylor exceeded 8,000.

The total number of troops who responded to the calls of the two commanders was:

Three months' men	1,390
Six months' men illegally enlisted and held for three months, the legal term of the militia	11,211
Total	12,601

[a] The act of Congress directing that orders to the Army be promulgated through the commanding general was passed March 2, 1867, and was repealed July 15, 1870.—EDITORS.

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The number of men received from Louisiana was 5,389. The arrival of these troops after the emergency had passed was attended by other evidences of mismanagement. They had been called to arms and embarked by a stroke of the pen, but when they landed, so destitute were they of equipment and transportation that they were compelled to remain in idleness near their depots of subsistence until discharged from the service. Called out for three months, they returned to their homes without the satisfaction of having fired a shot, their losses by death being 145—but 25 short of those killed and wounded (170) at the battles of Palo Alto and Resaca de la Palma.

MILITARY LEGISLATION DURING THE WAR.

The report of the first skirmish reached the War Department on Saturday, May 9, 1846. On Monday, the 11th, the President sent a message to Congress, then in session, stating that war existed by the act of Mexico, and adding that—

> In further vindication of our rights, and defence of the Territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers, to serve for not less than six or twelve months, unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war.
>
> The most energetic and prompt measures and the immediate appearance in arms of a large and overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.[a]

In these few brief lines is to be found the primary cause of all the subsequent delay and extravagance attending the prosecution of the war. Ignoring the experience of the Revolution, of the war of 1812, and later still of the Florida war, whose aggregate duration exceeded sixteen years, without pausing to compute, in the absence of railroads, the time required to transport troops from one to two thousand miles to the scene of hostilities, the President not only expressed his confidence in raw troops, but signified his belief in a formal recommendation to Congress that we could bring a foreign war to a successful conclusion in the brief space of from six to twelve months.

The responsibility for this recommendation cannot wholly be laid upon the President. General Taylor, a witness of the feeble and protracted prosecution of the two preceding wars, in his letter reporting the skirmish of Thornton's dragoons, stated:

> If a law could be passed authorizing the President to raise volunteers for twelve months, it would be of the greatest importance for a service so remote from support as this.[b]

The promptitude with which Congress entertained and complied with the President's unfortunate recommendation finds no parallel in

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[a] House Ex. Doc. No. 196, Twenty-ninth Congress, first session, p. 6.
[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 141.

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our history.[a] The very day his message was received a bill to raise 50,000 volunteers was introduced, and under the operation of the previous question passed the House of Representatives. The next day it passed the Senate, and on the 13th received the President's signature.

The first section of the act read as follows:

Whereas, by the act of the Republic of Mexico, a state of war exists between that Government and the United States, that, for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby, authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding 50,000, who may offer their services, either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at the place of rendezvous, or to the end of the war, unless sooner discharged, according to the time for which they shall have been mustered into service; and that the sum of $10,000,000, out of any moneys in the Treasury, or to come into the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of carrying the provisions of this act into effect.[b]

The second section extended the term of the militia, when called into the service of the United States, to six months; the third section required the volunteers to furnish their own clothes, horses, and equipments, the arms to be furnished by the United States; the fourth section gave to each volunteer, as compensation for his clothing, the cost of clothing allowed to a regular soldier; the fifth section, ignoring the fact that the new force was not militia, authorized the officers to be appointed according to the laws of their several States; the ninth section gave the volunteers the same pay and allowances as regular soldiers, and allowed to those who were mounted a compensation for their horses of 40 cents per day.

It ought not to surprise us if a law passed without debate should have contained many costly, if not dangerous, mistakes. The principal one of these was contained in the brief words "to serve twelve months" or "to the end of the war." Whether this unfortunate alternative may be regarded as evidence of the conviction on the part of Congress that a foreign war could be brought to a speedy and successful end in twelve months—a thing that has never occurred, and probably never will occur under our present system—or as an expression of its confidence in the wisdom and judgment of the President, it is not necessary to discuss.

As might have been foreseen, the sequel proved that our best and only safeguard lies in wise legislation. The provisions of the law, more liberal than those recommended by the President, authorized him, at his option, to accept the services of volunteers "for twelve months" or "for the war." Instead of deciding upon the volunteers for the war, the President permitted the circular calling for the new troops to be couched in the exact wording of the law, thereby enabling each volunteer, at the expiration of twelve months, to elect whether he would receive his discharge or remain in service till the end of the war.

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[a] Under the joint resolution of Congress of April 20, 1898, and the Act of Congress, dated April 22, 1898, President McKinley issued a call for 125,000 volunteers for the Spanish war on April 23. On May 31, a little more than a month after the President's proclamation, nearly all of this immense force of volunteers had been mustered into the United States service. Under the call of the President of May 25, 75,000 additional volunteers were called for. The last volunteers under these two calls, were mustered in, August 24, 1898.—EDITORS.

[b] Callan's Military Laws of the United States, first section, p. 367,

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The dilemma in which the Government thus placed itself by mere want of foresight was foreshadowed in the annual report of the Secretary of War of December 5, 1846. After stating that the volunteers in their encounters with the enemy had "more than justified the expectations formed of that description of troops," but "that it was no disparagement to them to say that a regular force was to be preferred in a war to be prosecuted in a foreign country," he added:

> Those who are now in the field, with the exception of one regiment sent out to California, entered the service under the alternative of continuing in it for twelve months or to the end of the war; and it is presumed they will have the right—at all events they will have the permission if they claim the right—to retire from the service at the end of that period, which will expire about the (end) 1st of June next.[a]

The needless expense caused by this great mistake may be inferred from the fact that on the 13th of May, the day the law received the President's signature, requisitions were made upon the governors of the States of Arkansas, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Missouri, Illinois, Indiana, and Ohio—

> for a volunteer force equal to 26 regiments, amounting in all, with a battalion from the District and Maryland, to about 23,000 effective men, to serve for the period of twelve months or to the end of the war.[b]
>
> * * * * * * *
>
> Nine regiments and one battalion of volunteers have been recently called for from various States to serve to the end of the war, and the information received at the Department gives the assurance that these requisitions will be promptly and cheerfully complied with.[c]

The above showed the effort made to retrieve the error already committed and proved that the requirement of service "for the war" would in no wise have lessened the spirit of volunteering.

Although not so dangerous to the success of our arms as the error just referred to, there was another defect in the law which diminished our strength and at the same time exposed the new levies to needless suffering and privation. Under the construction of the fourth section of the act, it was decided that the volunteers first called out should receive, on being mustered into service, the cost of a year's clothing, amounting to $42. The effect was thus explained by the Secretary in his report:

> This sum was not always appropriated for clothing, and many of them soon became so destitute as to suffer in their health, and in other respects to be scarcely fit for service. To this cause, in no inconsiderable degree, is to be ascribed the great disparity of sickness between volunteers and regular troops, the latter being well clothed by the Government and comparatively much more healthy.[d]

The military legislation on the 13th of May was not limited to raising a force of volunteers. Another act of the same date authorized the President, by voluntary enlistment, to increase the number of privates in each or any of the companies of the dragoons, artillery, and infantry to not exceeding 100, the number to be reduced to 64 when the exigency requiring the increase should cease.

It will thus be seen that while during peace all discretion to increase the Army was withheld from the President through motives of economy, or of jealousy of the Army, the moment war was declared the power of expanding it was freely committed to his trust, a power that enabled him, without adding an officer to the line, to raise the enlisted strength from 7,580 to 15,540.

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[a] House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 54.

[b] Report of Secretary of War. House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 47.

[c] Same, p. 54.

[d] House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 56.

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Had this discretion been granted to the President by the law of 1842, the army of occupation need not have been exposed to an attack by an army of three times its numbers; neither would there have been any occasion to expose to the ravages of disease the thousands of three months' men who rushed to its rescue.

On the 19th of May a regiment of mounted riflemen intended for service in Oregon was added to the Army. The remaining laws, from May 13 to the month of August, the end of the first session of the Twenty-ninth Congress, mainly related to the temporary increase during the war, of the various staff departments.

The Army, as organized by the foregoing laws, numbered 775 officers and 17,020 men; total, 17,812;[a] but so slow was the recruitment that, by the return of December 5, 1846, the aggregate present and absent numbered 10,690,[b] leaving a deficiency of recruits amounting to 6,958.

The reasons for this deficiency, the same as existed during the Revolution and the War of 1812, were plainly set forth in the Secretary's report.

> The want of better success in recruiting is, I apprehend, mainly to be ascribed to the large number of volunteers which has, in the meantime, been called out. The volunteer service is regarded generally by our citizens as preferable to that in the Regular Army, and as long as volunteers are expected to be called for it will be difficult to fill the ranks of the regular regiments unless additional inducements are offered or the terms of service modified. A small pecuniary bounty given at the time of enlistment, or land at the end of the term of service, would, it is believed, have a most beneficial effect. Probably an equally favorable result would flow from annexing a condition to the present period of service, allowing the recruit to be discharged at the end of the present war. It is presumed there are many thousand patriotic citizens who would cheerfully enter the service for the war if they could return to the pursuits of civil life at its close.[c]

The second section of the law for the increase of the staff departments merits attention. It authorized the President—

> to call into the service, under the act approved May 13, 1846, such of the general officers of the militia as the service, in his opinion, may require, and to organize into brigades and divisions the forces authorized by said act, according to his direction.[d]

This section would apparently denote that Congress regarded the volunteers under the Constitution as substantially the same as the militia, and that conformably with the law of 1792 the Governors of States had an equitable right to the appointment of all the officers, from the highest to the lowest grades. This partial adhesion to the State system was the means, in many instances, of placing the fortunes of the country, as well as the lives of our soldiers, in the hands of generals utterly ignorant of the military art at a time when the Government had at its disposal numbers of competent officers who had devoted their lives to the theory and practice of their profession.

The first law of the next session was passed on the 12th of January, 1847, and, pursuant to the recommendation of the Secretary of War, permitted recruits to enlist in the Regular Army for the period of "five years" or "during the war." The recruits were also to receive a bounty of $12, $6 paid in hand, the remainder to be retained till the recruit joined the regiment. Had patriotic citizens been permitted to enlist in the Regular Army for the war at the outset, it is probable that the difficulties of recruitment might have been largely diminished.

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[a] Army Register, 1847.
[b] House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 68.
House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 53.
[d] Callan's Military Laws of the United States, first section, p. 373.

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The legislation of the new session was not limited to the recruitment of the Army. On the 11th of February, but not till more than two months after the commencement of the session, Congress passed an act increasing the Army by 1 regiment of dragoons and 9 of infantry, the regiments to serve, and the men to be enlisted, for the war. One of these infantry regiments was to be organized and equipped as voltigeurs and foot riflemen, and to be provided with a rocket and mountain howitzer battery.[a]

The second section of the law, recognizing, in the absence of the law of retirement, the great scarcity of field officers with the troops, authorized the appointment of an additional major to each of the regiments of dragoons, artillery, infantry, and riflemen, the majors to be selected from the captains of the Army.

The necessity for a law of retirement, which was strongly urged during the Florida war, was again presented at the beginning of the Mexican war. On the 30th of July, 1846, the Adjutant-General reported that out of 12 field officers of artillery but 4 were able to take the field, the remainder being disqualified by reason of age, wounds, or other disabilities. In the infantry one-third of the 24 field officers were disqualified to take the field for the same reasons. In the 5 regiments of infantry, belonging to the army of occupation, there were present but 6 field officers, 2 of whom, General Taylor and General Worth, held commands higher than a regiment.[b]

The ninth section gave to every soldier, whether volunteer or regular, who had enlisted for twelve months, a bounty, on receiving an honorable discharge, of 160 acres of land, or the equivalent of $100 in Treasury scrip bearing interest at 6 per cent. Soldiers of less than a year's service were in like manner given a bounty of 40 acres of land or $25 in scrip. Other sections of this law provided for an increase of the Pay and Quartermaster's Departments, necessitated by the general increase of the line. The delay in the passage of the above law, which was recommended in the President's message at the beginning of the session, made it impossible for the new regiments to arrive in the field till late in the summer.

March 3, 1847, another act was passed, authorizing an increase of the general officers to correspond to the number of new regiments which were to be discharged at the end of the war. The second section added a lieutenant-colonel and two captains to the Adjutant-General's Department.

The third section, passed on the President's recommendation as a means of partially retrieving the mistake of short enlistments, authorized him to organize into companies, battalions, and regiments such volunteers then in Mexico as would reenlist for the war. The section also contained the important recognition of the right of the President to commission the officers of volunteers.

The fourth section gave to the volunteers so reenlisting a bounty of $12. The fifth section authorized the President to accept the services of individual volunteers to fill vacancies in any of the existing regiments of volunteers. These three sections clearly indicated a growing difficulty in procuring volunteers to replace casualties, a difficulty that would have increased in accordance with all previous experience in direct proportion to the prolongation of the war.

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[a] Callan's Military Laws of the United States, first section, p. 379.

[b] House Ex. Doc. No. 4, Twenty-ninth Congress, second session, pp. 72, 73.

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The twelfth, thirteenth, and fourteenth sections increased the Pay Department; the sixteenth section added 2 captains and 6 first lieutenants to the Ordnance Department; the eighteenth section added 2 companies to each regiment of artillery, and authorized 2 light batteries to be equipped in each regiment; the twenty-first section, recognizing the difficulty of recruiting by voluntary enlistment, authorized the President, in case of failure in filling any regiment or regiments (regulars or volunteers), to consolidate such deficient regiment or regiments, and discharge all supernumerary officers. This law, passed the day before the close of the second session of the Twenty-ninth Congress, completed all the military legislation of the war.

As organized under the foregoing laws, the Army was composed as follows:[a]

	Officers.	Men.	Total.
General staff *	86	.....	86
Medical department	85	.....	80
Pay department	31	.....	31
Military storekeepers	17	.....	17
Corps of engineers	48	100	148
Corps of topographical engineers	36	.....	36
Ordnance department	36	620	656
Three regiments of dragoons	118	3,408	3,526
One regiment mounted riflemen	35	1,146	1,181
Four regiments of artillery	208	5,492	5,700
Sixteen regiments of infantry	648	17,664	18,312
One regiment of infantry	47	1,104	1,151
Aggregate	1,356	29,584	30,890

*Eleven assistant adjutants-general and 23 assistant quartermasters of the general staff, being detailed from the line and counted in their regiments, are, to avoid being counted twice, deducted from the number 86 in summing up the total officers and aggregate of officers and men.

The field officers of each of the line regiments consisted of 1 colonel, 1 lieutenant-colonel, and 2 majors.

The strength of each company and regiment in the different arms was as follows:

	Officers.	Men.	Total.
First and second dragoons (old army):			
Company	3	113	116
Regiment (10 companies)	35	1,136	1,171
Third dragoons (new army):			
Company (1 captain, 1 first lieutenant, 2 second lieutenants)	4	113	117
Regiment (10 companies)	48	1,136	1,184
Mounted riflemen:			
Company	3	114	117
Regiment (10 companies)	35	1,146	1,181
Artillery:			
Company (1 captain, 2 first lieutenants, 1 second lieutenant)	4	114	118
Regiment (12 companies)	52	1,378	1,425
Infantry (old army):			
Company	3	110	113
Regiment (10 companies)	34	1,104	1,138
Infantry and voltigeurs (new army):			
Company (1 captain, 1 first lieutenant, 2 second lieutenants)	4	110	114
Regiment (10 companies)	47	1,104	1,151

The adjutants in the regiments of dragoons and riflemen were extra lieutenants. The adjutants of artillery, infantry, and voltigeurs, as

[a] Army Register, 1848.

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also the regimental quartermasters in all arms of the service, were lieutenants detailed from the subalterns. This provision in time of war proved to be false economy. It necessarily reduced two companies in each infantry regiment to two officers each at the beginning of a campaign, and when casualties occurred, exposed it to the danger of being left without a commissioned officer.

Having examined all military legislation since the announcement of hostilities, we may now return to the operations of the army on the Rio Grande.

CAMPAIGNS OF MONTEREY AND BUENA VISTA.

So rapid was the organization of volunteers under the President's call of May 13, 1846, that some of the new regiments arrived on the Rio Grande during the month of June, and such numbers soon followed that the commander was at a loss as to their employment and subsistence. In fact, when he proceeded in August up the Rio Grande to Camargo, and thence began his march to Monterey, with an army composed of two divisions of regulars and a field division of volunteers—his entire force but little more than 6,000—he was compelled to leave no less than 6,000 volunteers behind. His reasons for this were given in Order No. 108, issued at Camargo on August 28, 1846:

> The limited means of transportation, and the uncertainty in regard to the supplies that may be drawn from the theater of operations, imposes upon the commanding general the necessity of taking into the field, in the first instance, only a moderate portion of the volunteer force under his orders.[a]
>
> It further appears that "while some 20,000 volunteers were sent to the theater of war, not a wagon reached the advance of General Taylor till after the capture of Monterey."[b]

This lack of transportation developed in a striking manner the want in our War Department of a bureau of military statistics. General Jesup, the Quartermaster-General, wrote to the Secretary of War from New Orleans, on the 15th of December, 1845:

> As to the complaint in regard to the want of land transportation, it is proper to remark that there was no information at Washington, so far as I was informed, to enable me or the War Department to determine whether wagons could be used in Mexico.[c]

This deficiency of wagons, however, in the end proved to our advantage, since it enabled the commander to form the volunteers who were left behind, into an army of the second line and to drill and prepare them for future campaigns. The importance which General Taylor attached to instruction was referred to by a writer who, after describing the causes of our success at Palo Alto and Resaca de la Palma, stated:

> Never was the value of disciplined men more triumphantly demonstrated than on these glorious occasions; and since we have learned that General Taylor compels the volunteers with him to receive six hours' drilling per day and relieves them from all other duties, to make soldiers of them, we venture to predict that they, too, when they meet the enemy, will add to the reputation of our arms. "Rough and Ready" will first make them soldiers and then win victories with them.

This prophecy was not slow of fulfillment. In the battle around Monterey, from the 20th to the 23d of September, the volunteers fought

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[a] House Ex. Doc. No. 119, Twenty-ninth Congress, second session, p. 210.
[b] Stevens's Campaigns of the Rio Grande and of Mexico, p. 21.
[c] Montgomery's Life of General Taylor, p. 169.

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with a steadiness that earned the applause of their comrades of the regulars.

The forces engaged at Monterey numbered,—Mexicans, 10,000, of whom 7,000 were regulars; Americans, regulars and volunteers, 6,645.[a] The losses in these battles, which resulted in the capitulation of the city—the Mexican garrison being permitted to retire with their arms—were:

Regulars, killed and wounded[b]	205
Volunteers[c]	282

But a still greater triumph awaited the volunteers. In January, 1847, nearly all the regular troops, as also a large number of volunteers, were withdrawn to take part under General Scott in the campaign against the City of Mexico.

This detachment, which it was expected would confine General Taylor to the defensive, at least till after the arrival of new regiments of volunteers called out for the war, reduced the force with which in December he had advanced beyond Saltillo to about 6,000 men. Availing himself, with the instincts of a skillful commander, of this division of our forces, General Santa Ana advanced to Buena Vista, where, on the 22d and 23d of February, he sought to overwhelm and capture our army. In this battle, the most desperate of the war, our forces, numbering 4,759 men, of whom but 517 were regulars, defeated the entire Mexican army, estimated at 20,000.[d] Our losses were 746 killed, wounded, and missing.[e] The Mexican loss was estimated at 1,500.[f] In his official report General Taylor gave the regular artillery, composed of the celebrated batteries of Washington, Sherman, and Bragg, the credit of saving the day. But the battle of Buena Vista, like all great battles, was fought chiefly by infantry, and the gallant volunteers, who, against overwhelming numbers, successfully mantained the honor of our arms, had been undergoing field training for nearly eight months, a period twice as long as the time considered necessary to transform a recruit into a regular soldier.

In referring to General Wool, General Taylor in his official report stated:

> The high state of discipline and instruction of several of the volunteer regiments was attained under his command, and to his vigilance and arduous service before the action and his gallantry and activity on the field a large share of our success may justly be attributed.[g]

General Taylor and General Wool were not alone in their efforts to discipline and instruct the Army. The commander of the Mississippi Rifles, as also the field officers of the Second Kentucky Volunteers, of which the colonel and lieutenant-colonel laid down their lives, were former officers of the Army.

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[a] Ripley's War with Mexico, vol. 1, p. 198, 199.

[b] House Ex. Doc. No. 24, Thirty-first Congress, first session, p. 10, Table B.

[c] Same, p. 28, Table D.

[d] General Taylor's official report, Ex. Doc. No. 1, Twenty-ninth Congress, first session. In his official report of the battle, Santa Ana states that he left San Luis Potosi with 18,133 men, and that his artillery train consisted of 17 pieces. General orders found on the battlefield indicate that he had 20 pieces of artillery. In summoning General Taylor to surrender, the Mexican commander gave his strength at 20,000 men.—EDITORS.

[e] House Ex. Doc., No. 24, House of Representatives, Thirty-first Congress, first session, p. 13 B and 29 D.

[f] General Taylor's official report, Montgomery's Life of General Taylor, p. 299.

[g] Montgomery's Life of General Taylor, pp. 298, 299.

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In addition to this preparation, when the critical moment arrived, the courage of the men was everywhere stimulated by the example and conduct of the artillery. Without waiting for support it moved rapidly from position to position, over the roughest ground, "its well-directed fire" dealing destruction "in the masses of the enemy." "Always in action at the right place and the right time,"[a] it served as rallying points for the broken and hard-pressed infantry, which but for its presence must have been driven in confusion from the field.

In this one fact—the ability of the infantry to rally—when in some regiments nearly all of the field officers were killed or disabled, we have the crowning proof that the volunteers at Buena Vista were no longer raw troops. They gave evidence to the true statesman, that in rescuing victory from defeat, their discipline, no less than their patriotism had made them worthy to receive the applause of a grateful country. The battle of Buena Vista, begun on the anniversary of Washington's birthday, terminated the brilliant exploits of the army of occupation.

CAMPAIGN OF THE CITY OF MEXICO.

Up to the capitulation of Monterey it was hoped that by occupying the northern provinces, Mexico would accept propositions of peace; but when subsequent events proved this idea to be fallacious, it was decided to carry the war to her capital through the gateway of Vera Cruz. Accordingly, in November, 1846, General Scott sailed for Brazos (Point Isabel), where he collected and organized an army, which, like General Taylor, he was to lead from victory to victory.

Before proceeding to the field, he submitted on the 27th of October, a memorandum to the Secretary of War, in which he estimated the minimum force required to capture Vera Cruz at 10,000 men; this number, with a view to ulterior operations, to be increased by the month of March to 20,000; the reinforcements to be composed of volunteers and the new regiments of regulars expected to be raised by the next Congress.

On the 23d of November, before leaving Washington, he expressed

[a] In reporting the battle, General Taylor said: In the meantime the firing had ceased upon the principal field. The enemy seemed to confine his efforts to the protection of his artillery, and I had left the plateau for a moment, when I was called thither by a very heavy musketry fire. On regaining that position I discovered that our infantry (Illinois and Second Kentucky), had engaged a greatly superior force of the enemy—evidently his reserves—and that they had been overwhelmed by numbers. The moment was most critical. Captain O'Brien, with two pieces, had sustained his heavy charge to the very last, and was finally obliged to leave his guns on the field—his infantry support being entirely routed. Captain Bragg, who had just arrived from the left, was ordered at once into battery. Without any infantry to support him, and at the imminent risk of losing his guns, this officer came rapidly into action, the Mexican line being but a few yards from the muzzle of his pieces. The first discharge of canister caused the enemy to hesitate; the second and third drove him back in disorder and saved the day. The Second Kentucky Regiment, which had advanced beyond supporting distance in this affair, was driven back and closely pressed by the enemy's cavalry. Taking a ravine which led in the direction of Captain Washington's cavalry, their pursuers became exposed to his fire, which soon checked and drove them back with loss. In the meantime the rest of our artillery had taken position on the plateau, covered by the Mississippi and Third Indiana Regiments, the former of which had reached the ground in time to pour a fire into the right flank of the enemy, and thus contribute to his repulse. In this last conflict we had the misfortune to sustain a very heavy loss. Colonel Hardin, First Illinois, and Colonel McKee and Lieutenant-Colonel Clay, Second Kentucky Regiments, fell at this time while gallantly heading their commands.

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to the Secretary of War a willingness to proceed with the expedition, if necessary, with 8,000 men. From Brazos, January 12, he wrote to the Secretary of War:

> Should success crown our arms on the coast—and I will not anticipate a failure—I beg to repeat that a reenforcement of 10,000 or 12,000 regulars (new regiments and recruits for the old) will be indispensable (about April), to enable me to make a consecutive advance on the enemy's capital.[a]

The necessary troops, regulars and volunteers, having been collected and embarked at Brazos, General Scott sailed for Vera Cruz, where he arrived on the 7th of March, disembarked on the 9th, invested the city on the 10th, and on the 29th received its surrender. After the surrender the organization of our army, before moving on the enemy's capital, was as follows:[b]

> First Regular Division, Bvt. Maj. Gen. William J. Worth, commanding: Light Company A, Second Artillery; Second Artillery, 8 companies; Third Artillery, 4 companies; Fourth Infantry, 6 companies; Fifth Infantry, 6 companies; Sixth Infantry, 5 companies; Eighth Infantry, 7 companies.
>
> Second Regular Division, Brig. Gen. David E. Twiggs, commanding: Light Company K, First Artillery; howitzer and rocket company; regiment mounted rifles, 9 companies; First Artillery; Fourth Artillery, 6 companies; Second Infantry, 9 companies; Third Infantry, 6 companies; Seventh Infantry, 6 companies.
>
> Volunteer division, Major-General Patterson commanding: Third Illinois; Fourth Illinois; New York regiment, 10 companies; First Tennessee; Second Tennessee; Kentucky regiment; First Pennsylvania, 10 companies; Second Pennsylvania, 10 companies; South Carolina regiment, 11 companies; detachment of mounted Tennessee Volunteers.
>
> Not assigned to divisions: One company of engineers; 1 company of ordnance; 6 companies of cavalry.
>
> The strength of the army, composed of 21 different regiments or parts of regiments, was less than 12,000 men.[c]

Having established his base of operations and completed the organization of his troops, General Scott on the 8th of April began his march into the interior, and on the 18th, at Cerro Gordo, attacked and overthrew the entire Mexican army, capturing seven standards, 3,000 prisoners, and 43 pieces of artillery. So complete was the defeat that, in the language of the general in chief, "Mexico had no longer an army." The road to the capital now lay open before him, but when he sought to advance a defect of legislation put an end to his conquests. The policy of short enlistments, which in so many wars had caused our troops at critical moments to abandon their commanders, was to find its logical conclusion in the dissolution of our army in the heart of an enemy's country.

This result, as might have been foreseen, was due to the option given to the volunteers "to serve twelve months" or "to the end of the war," a result that might have been prevented had any member of Congress familiar with the history of his country sought to strike out the first part of the fatal alternative, or to substitute for it the term of three years. Wisdom, prudence, economy, humanity, and every consideration within the pale of statesmanship, demanded the creation of an army enlisted for the war, and as the popular enthusiasm would have responded to such a call with the same alacrity as for twelve months, the defect in the law can only be ascribed to the haste, if not thoughtlessness, which has so often characterized our military legislation.

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[a] Stevens' Campaigns of the Rio Grande and of Mexico, p. 48.
[b] Memorandum furnished by Adjutant-General.
[c] Scott's Autobiography, vol. 2, p. 420.

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Fearing exposure to the yellow fever, and beginning to look forward to their discharge six weeks before the expiration of their term of enlistment, General Scott, on the 4th of May, parted with seven of his eleven regiments of volunteers, numbering in the aggregate 4,000 men. Thus reduced by discharge, by expiration of service, and by disease to 5,820[a] effective men, our army, which had advanced to Puebla, within three days' march of the enemy's capital, was compelled for more than two months to remain on the defensive, while the enemy, profiting by the delay, reorganized an army of five times its number. In fact, after the discharge of the volunteers, having heard of no reenforcements, except 960 recruits ordered from New York and Newport, Kentucky, General Scott abandoned Jalapa, and with no communication with his base of supplies he found himself needlessly exposed to the danger of investment and capture. Formidable as had been our preparations, they appeared about to collapse, a calamity that was only averted by the superior quality of our troops.

Had the small force of General Scott, embracing nine-tenths of the Regular Army, been captured, experience teaches us that with the system of short enlistments and inexperienced officers, 100,000 raw troops could not have retrieved the disaster. Our failure to appreciate the demands of a foreign war was again proven at this period of our history. The recommendations for a number of new regular regiments, it will be remembered, were not adopted till the 11th of February, 1847, which so delayed their organization that they arrived only in time to participate in the brief operations about the City of Mexico.

The appointment of the officers of these regiments reveals another inconsistency in our military policy. From its foundation the Military Academy had been assailed by enemies who demanded its abolition; but Congress had wisely resisted this clamor, and, refusing to yield to a memorial from the legislature of a State which to-day among its West Point graduates boasts of a Grant, a Sherman, and a Sheridan, had steadily voted appropriations, until at the outbreak of the Mexican war nearly every regular officer below the rank of major had received the benefit of its instruction. Educated at no inconsiderable cost, had these officers been appointed colonels and captains of the new regiments, in a couple of months the latter would have begun to acquire the steadiness of veterans, and in battle would have made a handsome return to the nation for the expense incurred in training its officers.

But a policy so wise was prevented by a defect or an omission, in the law, which was explained by the Secretary as follows:

> There is so much doubt whether officers now in the Regular Army would take commissions of not more than one or two grades above those which they now hold, that it is not probable many will be selected for the new regiments. As these regiments are to be disbanded by express provision of the law which authorizes them, at the conclusion of the war, those officers who may be transferred to them would be in great danger of being thrown out of the Army.[b]

Had the law, with the object of using professional training to the greatest advantage, prescribed that even the field officers of the new regiments should be selected, as in the case of the additional majors, from the officers of the Army, with the further provision that they should not vacate their commissions, the new troops could soon have been made efficient. In the absence of such a provision, the Army

[a] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 993.
[b] House Ex. Document No. 60, Thirtieth Congress, first session, p. 873.

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Register shows that, with the exception of six officers who were, or had been, in the Regular Army, the officers of the new regiments, numbering more than 400, were appointed fresh from civil life.[a]

As a consequence of this policy inexperienced colonels and ignorant captains led the new regiments to battle, while in the old battalions the future commanders of our armies were trudging as file closers in rear of their companies. Such a policy, bad enough for the infantry, when applied to the dragoons, an arm of service requiring for its efficiency years of training, could only result in a waste of the public treasure. At the same time that the new regiments were organizing, the Government as late as April, 1847, continued to accept fresh volunteers, all, it is needless to say, enlisted "for the war."

These new troops, both regulars and volunteers, as fast as organized were forwarded to the little army which for three months had remained at Puebla, overlooking an enemy's capital numbering more than 180,000 people. The slowness with which reinforcements were forwarded to Mexico shows how impossible it would have been to afford succor to our army had the enemy been able to take the offensive.

On the 4th of June a small detachment of 3 companies of dragoons and 6 of infantry, composed almost wholly of recruits, left Vera Cruz with a large train, but being attacked by guerrillas the second day out they were compelled to halt for reinforcements. June 8 General Cadwalader, with another detachment of 500 men, marched to the support of Colonel McIntosh, joined him on the 10th, and together after a sharp skirmish pushed on to Jalapa, where they arrived on the 15th. The 19th, having been joined by the garrison of Jalapa, General Cadwalader again resumed the march, arriving on the 21st at Perote. Here part of his animals having given out, he had to wait till the 23d to refit, when, as he was about to march, he received orders from General Pillow, who had arrived at Vera Cruz on the 13th, to delay till their forces could unite. This being accomplished on the 1st of July, the combined force of 4,500 men resumed the march on the 2d and 3d, and on the 8th joined the army at Puebla. The arrival of the puny reinforcement more than two months and a half after the battle of Cerro Gordo raised the total strength of the army to but 10,276, of whom 2,215, or nearly one-fourth, were sick.[b]

On the 19th of July another reinforcement of 3,000 men, composed chiefly of the new regular regiments and recruits for the old army, left Vera Cruz under General Pierce, and, reduced to 2,429 men,[c] reached Puebla on the 6th of August. Reinforced in the aggregate to nearly 14,000 men, of whom 3,000 were sick or in hospital, while other detachments were made to guard this line of communications, General Scott, on the 7th of August, resumed the offensive against an army estimated by the Mexicans themselves at 36,000 men and 100 pieces of cannon.[d] The composition of his army at the moment of advancing in the face of such overwhelming numbers was as follows:

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[a] The act of Congress of March 2, 1899, authorized the President to raise a force of not exceeding 35,000 volunteers. It has been said of these regiments that the Government has never had more satisfactory volunteers, and this has been largely attributed to their method of organization, and to the fact that the senior officers in each of the regiments were selected on their efficiency records from the officers of the Regular Army.—EDITORS.

[b] House Ex. Doc. No. 60, Thirtieth Congress, First session, p. 1013.

[c] Ripley's War with Mexico, vol. 2, p. 166.

[d] Ripley's War with Mexico, vol. 2, p. 161.

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Gen. William J. Worth's division.

Bvt. Col. John Garland's brigade: Second Artillery, Third Artillery, Fourth Infantry.
Col. N. S. Clarke's brigade: Third Infantry, Sixth Infantry, Eighth Infantry, Light Company A, Second Artillery; Light battalion.

Gen. David E. Twigg's division.

Gen. P. F. Smith's brigade: First Artillery; Third Infantry; Rifle Regiment.
Col. B. Riley's brigade: Fourth Artillery; Second Infantry; Seventh Infantry; Engineer company; Ordnance company; Light Company K, First Artillery.

Gen. Gideon J. Pillow's division.

Gen. F. Pierce's brigade: Ninth Infantry; Twelfth Infantry; Fifteenth Infantry.
Gen. George Cadwalader's brigade: Voltigeurs; Fourteenth Infantry; Eleventh Infantry; Light Company I, First Artillery.

Gen. J. A. Quitman's division.

Gen. James Shields's brigade: New York Regiment; South Carolina Regiment; Marine Corps.
Lieut. Col. S. E. Watson's brigade: Second Pennsylvania Volunteers; H Company, Third Artillery; C Company, Third Dragoons.
Gen. Wm. S. Harney's brigade: First Battalion Cavalry; Second Battalion Cavalry.

The relative composition of the army of regulars and volunteers should not escape the reader's attention. The President in his message asked Congress to give him "a large body of volunteers to serve not less than six or twelve months." Congress, going beyond the request, gave him authority to call out 50,000 for "twelve months," or "to the end of the war," and yet, through his own mistake, when the crisis arrived there were but four half-filled regiments present to participate in the conflict.

But those regiments organized in December of 1846 had had the benefit of eight months' training, had already participated in the siege of Vera Cruz and the battle of Cerro Gordo, and were worthy of being called reliable troops. Advancing with an army of less than 10,000 effectives, the brilliant victories of Contreras, Cherubusco, El Molino del Rey, and Chapultepec opened the gates of the capital, which General Scott entered on the 14th of September. In the series of battles, beginning on the 20th of August, our largest force engaged was 8,479; our loss in killed and wounded was 2,703, which reduced the army when it reached the city to less than 6,000 men.

The aggregate strength of the three regiments of volunteers which participated in these battles—the fourth being left to garrison Puebla—was on the morning of the battle of Contreras 1,580. The aggregate strength of the Army, regulars and volunteers, on the same date was 11,052.[a] The forwarding of troops after the crisis had passed was not unlike that which followed the battle of Palo Alto.

On the 19th of July the Secretary of War wrote to General Scott that since the 24th of May he had heard of the arrival at Vera Cruz "of 4,603 regular troops (new levies and reorganized companies), 300 marines, and two companies of Pennsylvania volunteers 133 strong," making an aggregate of over 5,000 men.[b]

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[a] Official report of General Scott, dated National Palace, Mexico, September 18, 1847.—A. G. O.
[b] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 1003.

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On the 6th of October he again wrote:

> There is also a considerable volunteer force which was called out many months since, and has been slow in organizing, now on its way to your column. The Adjutant-General's estimate herewith of the total number of these troops and other detachments make the aggregate force en route under orders and being mustered into service about 15,000, since General Pierce's advance from Vera Cruz on the 14th of July.[a]

Notwithstanding these numbers it was not until October 18,[b] that General Lane with 3,300 reached Puebla. November 10, General Patterson with 2,600[c] arrived at Jalapa; December 14, these combined reinforcements, advancing in two or three columns, concentrated at Puebla to the number of 9,000;[d] December 17, their advance reached the City of Mexico. In the meantime such was the sickness of the troops in the army at the capital that those present for duty on December 4, were reported by General Scott as only about 6,000.[e] These figures show that in consequence of errors of statesmanship and a bad system of recruitment we needlessly exposed our army to the dangers of capture for a period of more than six months. Had the strength of the army during this time been calculated with nicety, based on a knowledge of the numbers and discipline of the enemy, we might applaud the apparent economy which achieved such results; but with the fact already stated, that for want of a bureau of military statistics, the chief of the most important department of supply could not learn at Washington whether wagons could be used in Mexico, we must ascribe the perils of our troops to the same mismanagement and want of reflection that supplied the means for military operations in 1812.

Notwithstanding the delays in forwarding men and supplies, such was the quality of our troops that the enemy, no longer able to oppose them, listened to propositions of peace, and on the 2d of February, 1848, ratified the treaty of Guadalupe-Hidalgo. Pursuant to this treaty and the President's proclamation, our army on the 5th of the following July, 26 months after the commencement of hostilities, evacuated Mexican territory.

STATISTICS.

With the salient facts before us, that General Taylor fought the first battles of the war with 2,100 regulars, when, but for the defect of the law, he might have had, by a simple increase of the rank and file, a force of 8,000; that the 13 regiments of the Regular Army with which General Scott landed at Vera Cruz could have been raised to 15,000 men; that with such an army he could have entered the City of Mexico on the heels of Cerro Gordo; that at no time before the event his maximum force exceeded 13,500,[f] and that after a brilliant series of battles he finally entered the Mexican capital with less than 6,000 men, let us next consider the number of troops the Government employed:

Regulars (old establishment).

Army of occupation, May, 1846	3,554
Number of recruits and troops who joined the Army in Mexico	15,736
Total	19,290

[a] House Ex. Doc. No. 60, Thirtieth Congress, first session, p. 1008.
[b] Same, p. 1030.
[c] Same, p. 1031.
[d] Same, p. 1039.
[e] Same, p. 1033.
[f] Scott's Autobiography, vol. 2, p. 420.

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Regulars (new establishment).

1 regiment of dragoons, 8 regiments of infantry, 1 regiment of voltigeurs	11,186
Total, Regular Army	30,476
Battalion of marines	548
Total, regular forces	31,024

Reenforcements for the old army to the number of 19,066 started for Mexico, leaving, after deducting 15,736 who joined, 3,930 who never reached their destination. The whole number of troops and recruits sent to the new establishment was 11,976, of whom 790 failed to join. For the old establishment from May 1, 1846, to July 5, 1848, 21,018 men were enlisted. For the new establishment during the same period the number was 13,991. Total 35,009.

Volunteers.

General staff	272
Mustered for three months (militia)	1,390
Mustered for six months, but held only for three	11,211
Mustered for twelve months	27,063
Mustered for the war	33,596
Total	73,260
Total staff and volunteers	73,532

Resolving the volunteer force of 73,260 into the different arms of service, it consisted of—

Cavalry or mounted troops	16,887
Artillery	1,129
Infantry	55,244

Resolving it into officers and men, it consisted of—

Officers	3,131
Noncommissioned officers and privates	70,129

In this mass of men, who were totally inexperienced at the beginning of their service, there was a leaven of between thirty and forty officers who were in, or had been in, the Regular Army. The total force employed during the war, including 31,024 regulars and marines, was 104,284.

The actual number mustered in, exclusive of the army of occupation (3,554) and 548 marines, was 100,454.

From these figures it will be perceived that the regular troops, 31,024, exceeded more than six times the number of regulars and volunteers with whom Taylor at Buena Vista defeated the entire Mexican army; while, omitting the three and six months' men and adding 31,024 to the 60,659 volunteers for twelve months and the war, the aggregate, 91,683 regulars and volunteers, was nine times as great as the effective strength of the army with which Scott fought the decisive battles around the City of Mexico.

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CASUALTIES.

The casualties among the different classes of troops were as follows:

OLD ESTABLISHMENT (19,290).

Discharged:		
Expiration of service	1,561	
Disability	1,782	
By order and civil authority	373	
		3,716
Killed in battle:		
Officers	41	
Men	422	
		463
Died of wounds:		
Officers	22	
Men	307	
		329
Wounded:		
Officers	118	
Men	1,685	
		1,803
Total wounded, killed, and died of wounds		2,595
Deaths (disease and accidents):		
Officers	117	
Men	3,437	
		3,554
Resignations		37
Desertions		2,247

NEW ESTABLISHMENT (11,186).

Discharged:		
Expiration of service	12	
Disability	767	
By order and civil authority	114	
		893
Killed in battle:		
Officers	5	
Men	62	
		67
Died of wounds:		
Officers	5	
Men	71	
		76
Deaths (disease and accidents):		
Officers	46	
Men	2,218	
		2,264
Wounded:		
Officers	36	
Men	236	
		272
Total wounded, killed, and died of wounds		415
Total killed, wounded, and died of wounds, Regular Army		2,946
Resignations		92
Desertions		602

MARINES.

Killed and died of wounds	9
Deaths (disease, etc.)	3
Total	12

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VOLUNTEERS (73,260).

Discharged:	
Disability	7,200
Other causes	1,697
Killed in battle and died of wounds	607
Killed and wounded [a]	1,831
Deaths from disease and accident	6,408
Resignations	279
Desertions	3,876

The number killed, wounded, and died of wounds, in the three classes of troops was as follows:

Regulars (19,290), old establishment	2,595
Regulars (11,186), new establishment	415
Volunteers (73,260)	[a] 1,831

The losses in killed and died of wounds among the volunteers were distributed as follows:

Three and six months' men (12,601)	16
Twelve months' men (27,063)	439
Volunteers for the war (33,596)	152
Total [b]	607

The deaths from disease and accidents were as follows:

Three and six months' men	129
Twelve months' men	1,859
Volunteers for the war	4,420
Total [c]	6,408

Of the 16 killed or died of wounds among the three and six months' men (all held for three months), 15 belonged to the Texas rangers, two companies of whom were organized by General Taylor before leaving Corpus Christi, and who were with him in the skirmishes preceding Palo Alto.

This loss of but one man among the remaining 12,000, who were called out too late to participate in the battle of Palo Alto and for too short a period to be available for operations beyond the Rio Grande, indicates how useless was their service.

The same remark applies with almost equal force to the 33,000 volunteers for the war, called out to replace the 27,000 men who had had the benefit of a year's campaign and instruction. An analysis of their losses shows that of the 152 killed and died of wounds, 118 fell upon the four regiments (the Second New York, First and Second Pennsylvania, and First South Carolina), which were with Scott's army at Cerro Gordo and remained with it till the hour of its triumph. Thus it appears that, excepting the Texas rangers from the three and six

[a] The killed and wounded in the entire force of volunteers is taken from the Statistical Report of the Surgeon-General, Ex. Doc. No. 96, Senate, Thirty-fourth Congress, first session, p. 621. This number is taken in preference to 1,778, computed from Ex. Doc. No. 24, H. R., Thirty-first Congress, first session; both are based on figures of the Adjutant-General, compiled from the reports of commanders and regimental and company returns. As stated by the Adjutant-General, "The statistics of the war are given as close approximation only."

[b] House Ex. Doc. No. 24, Thirty-first Congress, first session, pp. 23, 24, 25, 26, Table C.

[c] House Ex. Doc. No. 24, Thirty-first Congress, first session, pp. 23, 24, 25, 26, 27 Table C.

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months' men and the four gallant regiments which entered the Mexican capital from the volunteers called out for the war, the total loss among more than 42,000 men was but 35 in killed and died of their wounds.

If we choose to carry the argument further and add to the 42,000 the 11,000 new regulars who were likewise called out to repair the mistake of twelve-month enlistments, it will appear that we had more than 53,000 men in the service, whose losses in killed and died of wounds numbered but 178.[a] Laying aside the President's responsibility for this result, it is important to observe that 12,000 of these men (militia) were called out because our defective laws gave the President no power to increase the rank and file of the Army, while 41,000 were called out to remedy another legislative blunder which permitted him to accept volunteers for twelve months instead of for the war.

To establish the fact that these 41,000 men, regulars and volunteers, need not have been summoned to the field except to retrieve errors of statesmanship, self-evident to the military mind, we have only to state that the old army recruited to 19,000, added to the 27,000 volunteers, had the latter been accepted for the war, would have given the Government a permanent force of 46,000 men. Contrasted with this number the greatest strength of the Mexican army was never estimated to exceed 36,000 men. As these conclusions bear solely on the extravagance of our system, it is possible that they may be lightly considered under the popular conviction that in time of peace our economy more than offsets the prodigality of war, but there are other considerations of deeper import than dollars and cents. In a government of the people and for the people, more than in any other, it is the duty of statesmen to study the means of preserving life as well as property, yet history shows that in proportion as the national treasure has been squandered, have the lives of our brave and patriotic citizen soldiers been thrown away.

As an evidence of the penalty paid for entrusting raw troops to inexperienced officers who knew nothing of the principles governing their diet and health, let us again recur to statistics, taking, for example, the deaths by disease in the old and new regular regiments. A comparison of these figures shows that while the old army, numbering from first to last 19,290, was exposed for more than two years to a sickly climate and lost 2,574 enlisted men, or at the rate of 6¾ per cent per annum, the new establishment, numbering but 11,186, lost in less than a year 2,055, or at the rate of 19 per cent per annum—a loss three times as great as the old regiments.

That this loss might have been much lessened had their field officers been selected from the old regiments, scarcely admits of denial. Other figures may be quoted which should not escape the attention of the philanthropist. If it be admitted that but for the unfortunate option granted by the law, the 27,000 volunteers first called out, in connection with the old regular establishment, would have been sufficient to bring the war to a speedy termination, then it must also be granted

[a] At the battle of Salem Heights or Chancellorsville the One hundred and twenty-first New York Volunteers, after six months' training under a regular officer, went into action with 8 companies, numbering 458 men, and lost 228 killed and wounded, of whom 92 were killed and died of their wounds. This loss of part of a regiment in a single battle exceeded one-half of the loss of 53,000 men who served in the Mexican war.

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that the men who died of disease in the new regular regiments and among the 33,000 volunteers afterwards called out for the war, were the victims of unwise legislation.

This number was as follows:

New regular regiments:	
Officers	36
Men	2,055
Volunteers for the war:	
Officers and men	4,309
By accident in both classes	141
Total	6,541

In addition the number of men discharged (in ruined health) for disability was:

New regular regiments	767
Volunteers for the war	2,763
Total	3,530

In paying a just tribute to the patriots who forsook their homes to go to a distant land, there to face the ravages of death in defense of the honor of the country, President Polk in his message to Congress, December, 1846, stated:

> Well may the American people be proud of the energy and gallantry of our regular and volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can, under any emergency, confidently rely for the maintenance of her honor and the defense of her rights on an effective force ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive it is in the end economical, as the ability to command it removes the necessity of employing a large standing army in time of peace and proves that our people love their institutions and are ever ready to defend and protect them.[a]

The views expressed in these lines undoubtedly represent the average conviction of our people if not of our statesmen. Firmly convinced that in reducing the strength of the Regular Army without making any provision for its expansion, our system "is in the end economical," our representatives have suffered military organization to be neglected till in a moment of excitement, laws have been enacted, without debate, a single defect of which, like the short enlistment clause of the act of May, 1846, may entail the sacrifice of more than 6,000 men.

COST OF THE WAR.

The money disbursed by the pay department to the various classes of troops during the Mexican war was as follows:

Permanent regular troops	$2,800,000
Additional regular troops	2,294,427
Volunteers	10,083,016
Total[b]	15,177,443

The mere pay of troops is, however, but a small portion of the expense of carrying on war, as is shown by the following table, which

[a] House Ex. Doc. No. 4, Twenty-ninth Congress, second session, p. 22.
[b] Figures furnished by Pay Department.

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gives the expenditures of the War and Navy departments from the close of the Florida war to the year 1849:

	War.	Navy.
1843 a	$2,908,671.95	$3,727,711.53
1844	5,218,183.66	6,498,199.11
1845	5,746,291.28	6,297,177.89
	13,873,146.89	16,523,088.53
1846	10,413,370.58	6,455,013.92
1847	35,840,080.33	7,900,635.76
1848	27,688,334.21	9,408,476.02
1849	14,558,473.26	9,786,705.92
	88,500,208.38	33,550,831.62

a For the half year from January 1, 1843, to June 30, 1843.

These figures show that while by reducing the Army to 8,000 men the expenditures during the two and a half years preceding the war were but $13,873,146.89, or at the rate of $5,549,258.75 per annum, the expenditures for the next four years were $88,500,208.38, or at the rate of $17,700,041.67 per annum.

LESSONS OF THE WAR.

Notwithstanding its unnecessary prolongation the Mexican war marked a great change if not a revolution in our military policy. This result was due to the decay and gradual abandonment of the militia system which up to that time had been regarded as the "great bulwark of national defense." Bearing in mind that the laws under which military operations were prosecuted were almost identical with the laws of 1812 let us examine the composition of the forces employed in the two wars:

	War of 1812.	War with Mexico.
Regulars	a 50,000	31,024
Militia	458,463	12,601
Volunteers and rangers	13,159	b 60,659
Total	521,622	104,284

a This figure is approximate. The return for September, 1814, gave the aggregate strength of the Army at 38,186. The report of the Commissioner of Pensions for 1874, p. 30, gives the number of men, including sailors and marines, who served twelve months or more, at 63,179. From this estimate there should still be deducted twelve months' rangers and volunteers.

b In the Mexican war it will be remembered that 11,211 men were mustered in for six months, but held only for three, the legal term of the militia. In reality these men, as also in all probability the 1,390, should be considered volunteers rather than militia, inasmuch as militia service was no longer obligatory in any of the States.

The percentage of the different classes of troops to the total number of men employed in the two wars was as follows:

	War of 1812.	Mexican war.
Total force	521,622	104,284
Regulars ..... per cent..	10	30
Militia ..... do....	88	12
Volunteers and rangers ..... do....	2	58

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A comparison of these figures shows that while in the War of 1812 the combined force of regulars and volunteers of twelve or more months' service was but 12 per cent of the total number of troops employed, the same force in the Mexican war was no less than 88 per cent. The contrast does not stop here. In the first war, relying upon the States instead of appealing directly to the people as intended by the Constitution, Congress became a witness of disasters like those which occurred in the Revolution; in the second, the national troops, organized and supported by Congress, achieved a series of victories unmarred by a single defeat.

In one war, an army of more than 6,000 raw troops, posted in the defense of our own capital, fled with a loss of but 19 killed and wounded; in the other a force of less than 5,000 trained volunteers, supported by a few regular troops, overthrew a Mexican army of four times its number.

In one war, an enemy numbering less than 5,000 men baffled all of our efforts at invasion; in the other our army, with less than 6,000 combatants, entered in triumph the enemy's capital.

But the difference between the results of the two wars is not wholly to be ascribed to the substitution of national volunteers for the militia. In the war of 1812 the Regular Army, which had itself to be created, was unable to furnish a standard of skill and discipline. In the Mexican war, aside from sustaining the principal losses in killed and wounded, it furnished able commanders, and in every field set an example of skill, fortitude, and courage.

As to the influence of military education in producing such diversity of results, General Scott, who, in 1814, was compelled to teach the regular officers of his brigade the elements of squad drill, left his views to the Senate in the memorable words:

> I give it as my fixed opinion that but for our graduated cadets the war between the United States and Mexico might, and probably would, have lasted some four or five years, with, in its first half, more defeats than victories falling to our share; whereas in less than two campaigns we conquered a great country and a peace without the loss of a single battle or skirmish.[a]

[a] Cullum's Biographical Register of the Officers and Graduates of the United States Military Academy, preface, vol. 1, p. 11.

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CHAPTER XVI.

MILITARY POLICY OF THE UNITED STATES FROM THE MEXICAN WAR TO THE REBELLION.

Pursuant to the laws increasing the rank and file of the old regiments and raising the new ones, the Army at the close of the war was reduced from 30,890 to 10,320. In effecting this reduction the number of privates per company was fixed at 50 for the dragoons, 64 for the mounted rifles, and 42 for the artillery and infantry.[a] The only trace left by the war on our military organization was the regiment of mounted rifles, the addition of two companies to each regiment of artillery, an extra major to each of the old regiments of infantry, and a slight increase in some of the staff corps. The same fault, it will be perceived, was committed as after the Florida war. We had 2 regiments of dragoons, 1 of mounted rifles, 4 of artillery, and 8 of infantry; in all, 15 regiments, varying in strength from 558 to 800 each, with still no provision for future contingencies.

June 17, 1850, this defect was remedied, and the principle of expansion recognized by an act, the second section of which authorized the President "by voluntary enlistment to increase the number of privates in each or any of the companies of the existing regiments of the Army, at present serving or which may hereafter serve at the several military posts on the western frontier, and at remote and distant stations, to any number not exceeding 74."

The use of this discretion by the President gave ample proof that he could be trusted in matters of economy. Without availing himself immediately of his authority, he waited until 1853–4, when Indian troubles caused him to order that the 123 companies of cavalry, infantry, and artillery in Texas, New Mexico, Oregon, California, Minnesota, and the country west of the Mississippi be raised to 74 privates each. Without the addition of an officer this order increased the rank and file by 3,489 men, the aggregate of the Army being increased to 13,821. Had the remaining 35 companies been raised to the same standard the increase of privates would have been 4,488, and the aggregate of the Army 14,731.[b]

This feeble increment of 3,489 men afforded but slight protection to the vast territory which by acquisition from Mexico had been so recently extended to the Pacific. Accordingly, by the act of March 3, 1855, the Army was increased by two regiments of cavalry and two of infantry, having the same organization as the regiments already in service. By this and the preceding laws, the Army with 108 companies serving on the frontier could have been raised in the aggregate to

[a] Army Register, 1849.
[b] Army Register, 1854, p. 31 (table).

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17,861. Had all of its 198 companies been on the frontier, the aggregate would have been 18,349.[a] The actual strength August 1, 1855, was a little over 15,000 men.

From 1855 to 1861 the only law worthy of special notice was the one approved April 7, 1858. The first section authorized the President to receive into the service of the United States a regiment of Texas mounted volunteers, for the defense of the Texas frontier. The second section authorized him "for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontier," to call for and accept the services of any number of volunteers, not to exceed two regiments, to be organized at the discretion of the President as mounted infantry.

The term of service for all of the above volunteers was fixed at eighteen months. The men were to provide their own horses and horse equipments, for which they were to receive a compensation of 40 cents per day. The fourth section of the law provided that all of the officers should be appointed in the manner prescribed by law in the several States or Territories to which the regiments belonged, except the quartermasters and commissaries, who were to "be detailed from their respective departments of the Regular Army of the United States." This effort to secure economy was undoubtedly a wise step in the right direction, but like so much of our hasty and ill-digested military legislation it began at the wrong end. Had the President been allowed to call for the volunteers by companies, with authority to select the field officers, adjutants, and quartermasters from the Regular Army, not only the economy but the discipline and instruction of the regiments could have been controlled by trusted officers of the Government.

The military operations of 1848 to 1861 were limited chiefly to Indian wars and the Utah expedition of 1858.

The effect of the latter, although bloodless in its termination, was to transfer nearly all the troops of the Regular Army west of the Mississippi.

The expenditures for the Army and Navy from 1850[b] to 1861 is presented in the following table:

Year.	War.	Navy.
1850	$9,667,024.58	$7,904,724.66
1851	12,161,965.11	8,880,561.38
1852	8,521,506.19	8,918,842.10
1853	9,910,498.49	11,067,789.53
1854	11,722,282.87	10,790,096.32
1855	14,648,074.07	13,327,095.11
1856	16,968,160.51	14,074,634.64
1857	19,159,150.87	12,651,694.61
1858	25,679,121.63	14,053,284.64
1859	23,154,720.58	14,690,927.90
1860	16,472,202.72	11,514,649.83
Total	168,079,707.57	127,874,500.72

[a] Army Register, August 1, 1855.

[b] The expenditures of the War and Navy Departments for the year 1849, in which were closed up the accounts of the Mexican War, were as follows:

War Department	$14,558,473.26
Navy Department	9,786,705.92

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CHAPTER XVII.

MILITARY POLICY OF THE UNITED STATES DURING THE REBELLION.

At the close of the year 1860 we presented to the world the spectacle of a great nation nearly destitute of military force. Our territory from ocean to ocean exceeded 3,000,000 square miles; our population numbered 31,000,000 people.

The Regular Army as organized consisted of 18,093[a] officers and men, but according to the returns it numbered only 16,367.[b]

The line of the Army was composed of 198 companies, of which 183 were stationed on the frontier or were en route to distant posts west of the Mississippi. The remaining 15 companies were stationed along the Canadian frontier and on the Atlantic coast from Maine to the Gulf of Mexico.

As a guard for the national frontiers, the Army could not furnish two soldiers per mile; for protecting the settlements in the States and Territories west of the Mississippi but one soldier was available for every 120 square miles; to aid in the enforcement of the laws in the remaining States of the Union we had but one soldier for every 1,300 square miles.

The militia for a sudden emergency were scarcely more available than the Army. Nominally they numbered more than 3,000,000, but mostly unorganized. So destitute were they of instruction and training that—a few regiments in the large cities excepted—they did not merit the name of a military force.

Such was the condition of the national defense when, on the 20th of December, 1860, South Carolina in convention passed the ordinance of secession.

Her example was followed on the 7th of January, 1861, by Florida, on the 9th by Mississippi, on the 11th by Alabama, on the 20th by Georgia, on the 26th by Louisiana, and on the 1st of February by Texas.

With a purpose clearly defined, the deputies appointed by these States met at Montgomery, February 4, adopted a provisional constitution on the 8th, and elected a President on the 9th.

In a brief space of five days these deputies, who styled themselves a "Congress of Sovereign States," inaugurated within our borders a rival republic and boldly proclaimed its freedom and independence.

The measures which followed were no less bold and energetic. February 28, they directed their President to assume control of all military operations in every State, and further authorized him to accept, for a period not exceeding twelve months, as many volunteers as he might require.

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[a] Army Register, 1860, p. 42.
[b] Ex. Doc. No. 23, Forty-fifth Congress, third session.

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A week later, March 6, he dictated a call for 100,000 men to take the field under his unquestioned and supreme command.[a]

In contrast with these formidable preparations, such was our organization and so scattered was our Army that on the 15th of December, 1860, we had but five inexpansive companies available to garrison the nine fortifications along the southern coast. These garrisons six weeks later were increased by about 600 recruits.

The remainder of the Regular Army, scattered from the Atlantic to the Pacific, was too remote to participate in the first shock of arms or even to provide a sufficient defense for the capital.

Alarmed at the impending danger, the President, as had been done so often before, turned to the militia. On the 9th of April a call was made upon the District of Columbia for ten companies, but when paraded for muster many through disloyalty refused to be sworn, while others imposed the condition that they should not be required to serve beyond the limits of the District. Subsequently, during the month of April, companies were mustered into service for three months, all but three with the stipulation "to serve within the District and not go beyond it."[b]

Although it should be stated that many of these companies did finally serve outside the District without protest, it should also be observed that their conduct afforded another proof that in time of great civil commotion, it is only raw troops who presume to dictate to their lawful commanders.

In the meantime so prompt was the response to the Confederate call for 100,000 volunteers, that by the middle of April 35,000 men were equipped for the field. Conscious of their strength, they at once seized our arsenals and began the seige of our forts.

April 12th, the first shot fired at Fort Sumter, followed two days later by the evacuation of the post, awakened the people to the dread reality of a long civil war.

To the commanding officer at Fort Moultrie, Secretary Floyd sent the following remarkable letter:

WAR DEPARTMENT,
Washington, December 21, 1860.

Major ANDERSON,
First Artillery, Commanding Fort Moultrie, S. C.

SIR: In the verbal instructions communicated to you by Major Buell, you are directed to hold possession of the forts in the harbor of Charleston and, if attacked, to defend yourself to the last extremity. Under these instructions you might infer that you are required to make a vain and useless sacrifice of your own life and the lives of the men under your command upon a mere point of honor. This is far from the President's intentions. You are to exercise a sound military discretion on this subject.

It is neither expected nor desired that you should expose your own life or that of your men in a hopeless conflict in defense of these forts. If they are invested or attacked by a force so superior that resistance would, in your judgment, be a useless waste of life, it will be your duty to yield to necessity and make the best terms in your power.

This will be the conduct of an honorable, brave, and humane officer, and you will be fully justified in such action. These orders are strictly confidential and not to be communicated even to the officers under your command without close necessity.

Very respectfully,

JOHN B. FLOYD.

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[a] Pollard's Life of Jefferson Davis, with a Secret History of the Confederacy, p. 91.
[b] Report of the Provost-Marshal-General, vol. 1, p. 7.

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CALL FOR MILITIA.

In every stage of their prosecution the wars of the Revolution and of 1812 gave evidence that a system of national defense, based on the consent and cooperation of the States, possessed none of the elements of certainty or of strength.

Nevertheless, for the want of an expansive regular army or a system of national volunteers, the President was again compelled to look to the States, and therefore on the 15th of April, issued his proclamation calling for 75,000 militia for the period of three months.

The terms of the proclamation show that the President and Cabinet began the war with the same confidence in raw troops as was manifested by their predecessors in 1812.

The militia was not summoned for the defense of the capital, but to suppress "combinations and to cause the laws to be duly executed."[a]

In explanation of the call, the President further stated:

> I deem it proper to say that the first service assigned to the forces hereby called forth, will probably be to repossess the forts, places, and property which have been seized from the Union.

Language so unmistakable, and which had the sanction of our most distinguished statesmen, leads only to the conclusion that with raw troops, it was believed that a formidable rebellion, already covering a territory of 560,000 square miles, could be subdued within the brief space of three months.

REFUSAL OF THE GOVERNORS TO FURNISH MILITIA.

The conduct of the governors in this emergency, as in the war of 1812, was largely controlled by their party affiliations.

In the North, patriotic men rushed to arms in numbers far exceeding the requirements of the Government. From the South nothing was received but defiant refusals.

The replies from the border States were as follows:

Governor Letcher, of Virginia, under date of April 16, 1861, wrote:

> The militia of Virginia will not be furnished to the powers at Washington for any such use or purpose as they have in view. Your object is to subjugate the Southern States, and a requisition made upon me for such an object—an object in my judgment not within the purview of the Constitution or the act of 1795—will not be complied with. You have chosen to inaugurate civil war, and, having done so, we will meet in a spirit as determined as the Administration has exhibited toward the South.

Governor Ellis, of North Carolina, under date of April 15, replied:

> Your dispatch is received, and, if genuine—which its extraordinary character leads me to doubt—I have to say in reply that I regard the levy of troops made by the Administration, for the purpose of subjugating the States of the South as in violation of the Constitution and a usurpation of power. I can be no party to this wicked violation of the laws of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina. I will reply more in detail when your call is received by mail.

Governor Magoffin, of Kentucky, on April 15, made this answer:

> Your dispatch is received. In answer I say emphatically Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States.

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[a] President's proclamation April 15, 1861, (Report of Provost-Marshal-General, vol. 2, p. 205).

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Governor Harris, of Tennessee, on April 17, made this reply:

Tennessee will not furnish a single man for coercion, but 50,000, if necessary, for the defense of our rights or those of our southern brethren.

Governor Jackson, of Missouri, on April 22, followed with this statement:

Your requisition is illegal, unconstitutional, revolutionary, inhuman, diabolical, and can not be complied with.

Governor Rector, of Arkansas, on the same date wrote:

None will be furnished. The demand is only adding insult to injury.[a]

The State of Delaware failed to respond to the call for one regiment of militia, for a reason scarcely less illustrative of the inherent weakness of our military system. In a proclamation dated April 26, 1861, the governor stated:

Whereas the laws of this State do not confer upon the Executive any authority enabling him to comply with such requisition, there being no organized militia nor any law requiring such organization, and whereas it is the duty of all good and law-abiding citizens to preserve the peace and sustain the laws and Government under which we live, and by which our citizens are protected:

Therefore, I, William Burton, Governor of the said State of Delaware, recommend the formation of volunteer companies for the protection of the lives and property of the people of this State against violence of any sort to which they may be exposed. For these purposes such companies, when formed, will be under the control of the State authorities, though not subject to be ordered by the Executive into the United States service, the law not vesting in him such authority. They will, however, have the option of offering their services to the General Government for the defense of its capital and the support of the Constitution and laws of the country.[b]

In their haste to defy the Government no reference of the President's call was made to the legislatures or highest judicial tribunals of the seceding States. The governors, as the commanders in chief of the militia, acted solely on their own responsibility. Possessing the power, they did not hesitate, but made a merit of paralyzing the military resources of six States which afterwards, on an appeal to the people, furnished for the Union no less than 251,787 men.[c]

These facts possess a still deeper significance; on the one hand, they reveal the utter weakness of a military system, based on the theory of confederation; on the other, they represent the mighty power of a government which, instituted "by the people and for the people," makes its appeal directly to the people.

SPREAD OF THE REBELLION.

The fall of Fort Sumter was followed by the secession of Virginia, April 17; Arkansas and Tennessee, May 6; and North Carolina, May 20.

The prospective accession of so much territory to the cause of secession demanded renewed efforts for its defense.

April 29, Mr. Davis therefore, wrote to the Confederate Congress:

There are now in the field at Charleston, Pensacola, Forts Morgan, Jackson, St. Philip, and Pulaski, 19,000 men, and 16,000 are now en route for Virginia. It is proposed to organize and hold in readiness for instant action, in view of the present exigencies of the country, an army of 100,000 men.[d]

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[a] Report of Provost-Marshal-General, vol. 2, p. 130.
[b] Extract from New York Herald, April 28, 1861, Frank Moore's Rebellion Record, vol 1, p. 155.
[c] Report of Provost-Marshal-General, vol. 2, p. 180.
[d] Pollard's Lost Cause, p. 117.

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With such a force to sustain him, the seat of the Confederate Government was, on the 20th of May, removed to Richmond, Va., while Confederate troops advanced to Fairfax and Alexandria, within distinct view of the national capital.

The advantage so far as related to the forces in the field was, at the time decidedly on the side of the Confederates. The Government had called for 75,000 militia for the period of three months; the Confederates had called for 100,000 volunteers for the period of one year. Both had repeated the blunder of short enlistment. The President, by a law more than sixty years old, was obliged to limit the service to three months; the Confederate Congress, with no appreciation of past history, adopted the identical policy which had led to the protraction of all our previous wars. Nevertheless, in default of further measures, on the part of the President, the Government at the end of three months would see the forces dissolved, while the Confederate army, constantly improving in discipline, would still be available for nine months of field service.

PRESIDENT LINCOLN EXERCISES DICTATORIAL POWERS.

The flames of rebellion kindled at Fort Sumter, did not stop at the Potomac. April 19, they burst out in Baltimore, where for several days they checked the advance of the Union troops, cutting off all communication with the Government. The troops, whose appearance was the signal for an outbreak, consisted of the Sixth Massachusetts and the Seventh Pennsylvania. The former regiment, fighting its way through a mob of from 8,000 to 10,000 people, with a loss of 2 killed and 8 wounded, succeeded in traversing the city and passing on to Washington. The regiment from Pennsylvania, being unarmed, was compelled to turn back. The loss inflicted on the rioters was 7 killed, the number of wounded was unknown. When the riot subsided, the mayor of the city and the governor of the State informed the President that no more troops could traverse the city without fighting their way through.

Everywhere in the South treason had triumphed, and from all quarters troops bearing the ensign of rebellion began to pour into Virginia and to move toward the Potomac. It was no longer a question of repossessing our forts. Railroads and telegraphs had been cut; the President could only communicate with the loyal masses by private messengers; the capital was in a state of siege, and for the third time in our history appeared doomed to fall into the hands of its enemies.

To avert such a calamity and to prevent the overthrow of the Government the President, trusting to popular approval, assumed and exercised the war powers of Congress. By proclamation of the 3d of May he decreed that the Regular Army should be increased by 22,714 officers and men, the Navy by 18,000 seamen, while in addition he called for a force of 42,834 volunteers, an aggregate increase of the land and naval forces amounting to 82,748 officers and men.

No usurpation could have been more complete, but what else could be done? An emergency had arisen, the militia was disorganized, Congress had neglected the national defense, the military preparation of the insurgents threatened the speedy overthrow of the Government, and the situation brooked no delay. In every similar crisis however produced, history teaches that the fate of a nation may depend on the patriotic or selfish action of a single individual.

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Twice when the capital was in danger, Congress had conferred dictatorial powers upon Washington. In a situation scarcely less appalling, the President, who had sworn to protect and defend the Constitution, saw but one method to save the Union, and fearlessly adopting it, his act was everywhere received with the approval and gratitude of a patriotic people.

LEGALIZING THE PRESIDENT'S ACTION.

When Congress assembled in extra session on the 4th of July, 1861, it found that its power to "raise and support armies" had been exercised by the President to the extent of 230,000 men.[a] It was also confronted by estimates for additional appropriations amounting to $185,000,000 for the Army and $30,000,000 for the Navy.

The report of the Secretary of War (Mr. Cameron) showed that under the call for 42,000 volunteers no less than 208 regiments had been accepted, of which 153 were already in active service.

His exhibit of the forces at the disposition of the Government was as follows:

Regulars and volunteers for three months and for the war	225,000
Add to this 55 regiments of volunteers for the war, accepted and not yet in service	50,000
Add new regiments of Regular Army	25,000
Total force now at command of Government	300,000
Deduct three-months volunteers	80,000
Force for service after withdrawal of the three-months men	[b]220,000

This rush to arms of more than a quarter of a million of citizens, seemed to the Secretary of War to justify the neglect of all previous preparations.

Unmindful of the fact that they had been called to the field in forced violation of the Constitution, Mr. Cameron said:

> I cannot forbear to speak favorably of the volunteer system as a substitute for a cumbrous and dangerous standing Army. * * * A government whose every citizen stands ready to march to its defense can never be overthrown, for none is so strong as that whose foundations rest immovably in the hearts of the people.[c]

With proper organization and leadership, it may be admitted that a government whose every citizen stands ready to march to its defense can never be overthrown, but history affords no such example. In the case then engaging the wisdom of our statesmen a population of 8,000,000 of white citizens was in arms, not to defend, but to destroy the Government. To accomplish their purpose they abandoned the militia system in favor of volunteers, and to thwart their treasonable designs the Government was forced to follow their example.

Notwithstanding the action of both the Government and the Confederates, the Secretary still adhered to the militia.

In speaking of the necessity for Congress "to adopt measures for the reorganization upon a uniform basis of the military of the country," he further stated:

> I know of no better source of information on the subject than the able report of

[a] Report of Secretary of War, July 1, 1861. Frank Moore's Rebellion Record, vol. 2, p. 231.
[b] Frank Moore's Rebellion Record, vol. 2, p. 231.
[c] Frank Moore's Rebellion Record, vol. 2, p. 232.

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Gen. Henry Knox, the first Secretary of War, who, by his wise forecast and eminent appreciation of the future wants of the country showed the entire safety of an implicit reliance upon the popular will for the support of the Government, in the most trying emergency, abundant confirmation of which fact is found in the present great rally of the people to the defense of the Constitution and laws.[a]

Besides the act of the President for calling out the volunteers and increasing the Army and Navy, the joint resolution introduced in the Senate by Mr. Wilson on the 6th of July, specified several others which it was proposed to approve and confirm. Among them was the proclamation of April 15, calling out 75,000 militia (which under the act of 1795 was strictly legal), the blockade of southern ports, and the suspension of the writ of habeas corpus.

In the debates on the resolution, which were continued from time to time till the 2d of August, the supporters of the Government did not conceal or deny that the acts were in violation of the Constitution; their opponents denounced them as flagrant usurpations deserving of impeachment at the bar of the Senate. Mr. Sherman, in vindication of the President, said:

I am going to vote for the resolution, and I am going to vote for it upon the assumption that the different acts of the Administration, recited in this preamble were illegal, and not upon the assumption that they were legal and valid. I approve of the doing of them, and therefore I vote for that portion of the resolution. I am willing to make them as legal and valid as if they had the previous express sanction of Congress, and therefore, I vote for that clause of the resolution. I vote for these measures and I approve them, as I said at the outset, all the more because the taking of them involved the President in some personal hazard. I will not approve them more, but I admire them the more, because he did not hesitate to save the Republic, although the act of saving it might be attended by some personal risk to himself.[b]

Mr. Lane, still more emphatic, said:

I sanction and approve everything that the President has done during the recess of Congress and the people sanction and approve it, and there is no power this side of heaven that can reverse that decision of the American people.[b]

The resolution, as finally passed and incorporated as the third section of the Act of August 6, to increase the pay of privates in the Regular Army and Volunteers, read as follows:

That all the acts, proclamations, and orders of the President of the United States, after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.[c]

While all acts of the President were thus legalized and made valid, his subordinates in the Administration were less fortunate.

On the 30th of April, 1862, the House of Representatives passed a resolution censuring the official acts of Mr. Cameron, the late Secretary of War. Magnanimous as he was patriotic, the President would not suffer the blame to rest on his Secretary, and therefore on the 27th of May he sent to both Houses of Congress a message wherein he assumed the entire responsibility. The message, which was a vindication of his own conduct during the dark hours of secession, sets forth

[a] Frank Moore's Rebellion Record, vol. 2, p. 234.
[b] Frank Moore's Rebellion Record, vol. 10, p. 15.
[c] Callan's Military Laws of the United States, sec. 3, p. 490.

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so clearly the dangers involved in the neglect of the national defense that it deserves to be quoted entire:

To the Senate and House of Representatives:

The insurrection which is yet existing in the United States, and aims at the overthrow of the Federal Constitution and the Union, was clandestinely prepared during the winter of 1860 and 1861, and assumed an open organization in the form of a treasonable provisional government at Montgomery, Ala., on the 18th day of February, 1861.

On the 12th day of April, 1861, the insurgents committed the flagrant act of civil war by the bombardment and capture of Fort Sumter, which cut off the hope of immediate conciliation. Immediately afterwards all the roads and avenues to this city were obstructed, and the capital was put into the condition of a siege. The mails in every direction were stopped, and the lines of telegraph cut off by the insurgents, and military and naval forces, which had been called out by the Government for the defense of Washington, were prevented from reaching the city by organized and combined treasonable resistance in the State of Maryland. There was no adequate and effective organization for the public defense. Congress had indefinitely adjourned. There was no time to convene them. It became necessary for me to choose whether, using only the existing means, agencies, and processes which Congress had provided, I should let the Government fall into ruin, or whether, availing myself of the broader powers conferred by the Constitution in cases of insurrection, I would make an effort to save it, with all its blessings, for the present age and for posterity.

I thereupon summoned my constitutional advisers, the heads of all the Departments, to meet on Sunday, the 20th day of April, 1861, at the office of the Navy Department, and then and there, with their unanimous concurrence, I directed that an armed revenue cutter should proceed to sea to afford protection to the commercial marine, especially to the California treasure-ships then on their way to this coast. I also directed the commandant of the navy-yard at Boston to purchase, or charter and arm as quickly as possible, five steamships for purposes of public defense. I directed the commandant of the navy-yard at Philadelphia to purchase, or charter and arm an equal number for the same purpose. I directed the commandant at New York to purchase, or charter and arm an equal number. I directed Commander Gillis to purchase, or charter and arm and put to sea two other vessels. Similar directions were given to Commodore DuPont, with a view to the opening of passages by water to and from the capital.

I directed the several officers to take the advice and obtain the aid and efficient services in the matter, of his Excellency Edwin D. Morgan, the Governor of New York, or, in his absence, George D. Morgan, Wm. M. Evarts, R. M. Blatchford, and Moses H. Grinnell, who were by my directions especially empowered by the Secretary of the Navy to act for his Department in that crisis in matters pertaining to the forwarding of troops and supplies for the public defense. On the same occasion I directed that Governor Morgan and Alexander Cummings, of the city of New York, should be authorized by the Secretary of War, Simon Cameron, to make all necessary arrangements for the transportation of troops and munitions of war, in aid and assistance of the officers of the Army of the United States, until communication by mails and telegraph should be completely reestablished between the cities of Washington and New York. No security was required to be given by them, and either of them was authorized to act in case of inability to consult with the other.

On the same occasion I authorized and directed the Secretary of the Treasury to advance, without requiring security, two millions of dollars of public money to John A. Dix, George Opdyke, and Richard H. Blatchford, of New York, to be used by them in meeting such requisitions, as should be directly consequent upon the military and naval measures for the defense and support of the Government, requiring them only to act without compensation, and to report their transactions when duly called upon. The several departments of the Government at that time contained so large a number of disloyal persons, that it would have been impossible to provide safely, through official agents only, for the performance of the duties thus confided to citizens favorably known for their ability, loyalty, and patriotism. The several orders issued upon these occurrences were transmitted by private messengers, who pursued a circuitous way to the seaboard cities, inland, across the States of Pennsylvania and Ohio, and the northern lakes.

I believe that by these and other similar measures taken in that crisis, some of which were without any authority of law, the Government was saved from overthrow. I am not aware that a dollar of the public funds thus confided without authority of law to unofficial persons was either lost or wasted, although apprehensions of such misdirections occurred to me as objections to these extraordinary proceedings and

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were necessarily overruled. I recall these transactions now, because my attention has been directed to a resolution which was passed by the House of Representatives on the 30th of last month, which is in these words:

"*Resolved*, That Simon Cameron, late Secretary of War, by intrusting Alexander Cummings with the control of large sums of the public money, and authority to purchase military supplies without restriction, without requiring from him any guarantee for the faithful performance of his duties when the services of competent public officers were available and by involving the Government in a vast number of contracts with persons not legitimately engaged in the business pertaining to the subject-matter of such contracts, especially in the purchase of arms for future delivery, has adopted a policy highly injurious to the public service and deserves the censure of the House."

Congress will see that I should be wanting equally in candor and in justice, if I should leave the censure expressed in this resolution to rest exclusively or chiefly upon Mr. Cameron. The same sentiment is unanimously entertained by the heads of the Departments who participated in the proceedings which the House of Representatives has censured. It is due to Mr. Cameron to say, that although he fully approved the proceedings, they were not moved nor suggested by himself, and that not only the President but all the other heads of Departments were at least equally responsible with him for whatever error, wrong, or fault was committed in the premises.[a]

In contemplating the breaches thus made in the Constitution, it is manifest that the approval of Congress could not repair them nor could fear of its censure prevent them. Viewed in whatever light we may choose, the fact remains that in default of a judicious system for the national defense the President raised armies, provided navies, and opened the doors of the Treasury to irresponsible citizens.

Looking back to these violent times, it would seem impossible that at the beginning of the great civil war such strides toward despotism should not have proved fatal to the Union. Nevertheless, the history of the Revolution and the Rebellion encourages the hope, but let us not rely upon it too much, that when legislative wisdom fails the liberties of the country may still be safe in the hands of a Washington or a Lincoln.[b]

OUR ARMIES ORGANIZED BY THE SECRETARY OF THE TREASURY.[c]

In connection with the foregoing violations of the Constitution, there is another fact scarcely less startling.

So completely overwhelmed was the Secretary of War in providing arms and supplies for the 75,000 militia, that the subject of organizing the volunteers and regulars called out by the President's proclamation of May 3, was tossed over for solution to the Secretary of the Treasury. In the discharge of a military duty upon which depended the lives of hundreds of thousands of our citizens, if not the salvation of our cause, it was fortunate for the country that the Secretary was not left to the guidance of his limited experience. Three officers, Colonel Thomas, Adjutant-General, Major McDowell, Assistant

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[a] President's message, May 27, 1862.

[b] "There are two methods of destroying a republic—by usurpation and by inanity—one is active, the other passive. Governments die when the wind gives out, as with man. In 1861 it was not only the default of a judicious system, but because our inherited prejudices tied the hand of the Executive, leaving him at the mercy of Congress, and Congress always neglects their duty and throws off on 'servants.' Garfield's speech last summer was able on this subject.—W. T. S."

The above note on the original manuscript is in the handwriting of General Sherman.—EDITORS.

[c] "New to me and most interesting.—W. T. S." Note by General Sherman.—EDITORS.

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Adjutant-General, and Captain Franklin, Topographical Engineers, were detailed to assist him.

The senior officer, like the Secretary of War, was so wholly engrossed in preparing orders for the Government, assignment, and instruction of the militia, that he could not be present at any of the discussions of the board.

The junior officer was a subordinate of the Secretary of the Treasury, being at the time in charge of the bureau now known as that of the Supervising Architect of the Treasury.

When Major McDowell and Captain Franklin reported to Mr. Chase, he informed them that "the whole matter of organization was left with him,"[a] and then directed them to draw up a programme.

In the informal board as then constituted, there was no equality between members. The officers were free to make propositions, but their acceptance or rejection rested wholly with the Secretary.

Both officers united in recommending for all of the troops a regimental organization of three battalions, two of which were to be kept in the field, the third to remain in depot for the purpose of drilling and recruiting. Not coinciding with the officers, the Secretary settled the difference of opinion by compromise. The three-battalion organization was accepted for the regulars, but rejected for the volunteers on the ground that it was inexpedient to abandon an organization with which the militia were already familiar.[b] Like most compromises this solution proved unsatisfactory, the new regular regiments never were raised, while for the volunteers an organization was adhered to, descending from the Revolution.

The next recommendation, that the term of enlistment should be for three years, was accepted. A call for 300,000 men was also discussed. Captain Franklin recommended that they should be considered a part of the Regular Army, the regiments to be regularly numbered, the officers to be commissioned by the President, on nomination by the governors of States, the regiments to be apportioned to the States on the basis of Congressional representation, each regiment to be kept full, by recruitment from the district within which it was raised.

These propositions were rejected by the Secretary, who said "he would rather have no regiments raised in Ohio than that they should not be known as Ohio regiments."[c]

It was partly to meet these states-rights objections, and to relieve the fear of too great a centralization of power in the hands of the Government, that the proposition was made to permit the Governors to name the officers.

It will be seen from the foregoing recommendations that before being fatally committed to a system which had bankrupted the nation in the Revolution, and dissipated nearly all its resources in the war of 1812, an officer of the Army recommended the three-battalion organization, regimental depots, and territorial recruitment. Had he urged in addition, the adoption of the principle of obligatory military service—a principle the Government was forced to adopt two years later—the

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[a] Letter from General Franklin, dated November 9, 1877.

[b] This objection was entirely groundless. In Iowa, for example, the battalion or regimental organization was unknown, there being but three or four companies of militia in the State. The number of volunteers furnished and sent forth in new organizations from Iowa was 75,793.

[c] In the language of General Franklin, "Here his states-rights feelings came in." Letter from General Franklin, November 9, 1877.

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system would have been identical with that of every nation famed for military power.

The general policy of the Government in favor of volunteers having been decided, the officers drew up two plans of organization for the regulars and volunteers, which were approved by the Secretary of the Treasury, adopted by the War Department, and published to the Army in General Orders, Nos. 15 and 16, dated May 4, 1861. Subsequently they were adopted by Congress in the laws of July 22, 25, and 29, and thus became the basis of organization for all the national forces.

Novel as were the duties imposed upon the Secretary of the Treasury, he and his assistants deserved the gratitude of the nation. By simply fixing the term of enlistment at three years, thus giving the volunteers time to become veterans, they insured us against a series of disasters such as under the system of 1812, or that adopted for the volunteers at the beginning of the Mexican war, must inevitably have terminated in the dissolution of the Union.[a]

USE OF THE REGULAR ARMY.

To anyone familiar with our military history, the difficulties of recruiting regulars in competition with volunteers, would have suggested the reduction of the line of the Army to a cadre, and the dispersion of its officers as commanders and instructors among the new troops. Had this course been adopted every regiment of volunteer infantry, cavalry, and artillery might have had a regular officer for a leader, and with these to guide the instruction, three months would have sufficed to give us an army in fair drill and discipline.

At least one statesman in the Senate perceived the wisdom of such a policy. In discussing the increase of the Regular Army, Mr. Wilson said:

> This Army of ours is paralyzed toward the head. Your ablest officers are young captains and lieutenants, and if I wished to-day to organize a heavy military force, such as we are calling into the field, I would abolish the Army as the first act, and I then would take officers from the Army and place them where their talents fit them to go, without reference to the rank they occupied in the old regiments.[b]

The volunteers themselves felt the need of this policy, and when first called to arms, eagerly sought trained commanders.

Unfortunately for the country, the General in Chief and the Adjutant-General of the Army placed themselves in opposition. Fearing to ruin the Army, so little did the latter appreciate the value of instructing the volunteers, that officers already in command of regiments and brigades were ordered back to their companies to serve in obscurity, while officers of little or no education at once leaped to the command of divisions and armies.

For this deplorable result, entailing a prolongation of the war and

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[a] The author is indebted for the above facts to Generals Franklin and McDowell. In reference to the part taken by the Secretary of the Treasury in organizing our armies, General McDowell in his testimony before the Committee on the Conduct of the War, relating to events immediately preceding the battle of Bull Run, stated: "I have begged of the Secretary of War and the Secretary of the Treasury, who at that time was connected with the Secretary of War in many of the plans and organizations going forward, that I should not be obliged to organize and discipline and march and fight all at the same time. I said that it was too much for any person to do." (Report of the Joint Committee on the Conduct of the War, vol. 2, p. 37.)

[b] Senate Debates, July 13, 1861.

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a useless sacrifice of life and treasure, our military counselors at Washington were chiefly responsible. But they were not alone in the conviction that the policy of detaching officers to command the volunteers, "would ruin the Army," for as late as 1864 General Meade, the commander of the Army of the Potomac, refused to let a subaltern of engineers take a regiment, on the ground that "a lieutenant of engineers was of more importance than a colonel of volunteers."

Being persuaded, through the intercession of a corps commander, to withdraw his opposition, the lieutenant within six months was advanced from a regiment to a brigade, and within a year was leading a cavalry division.

So strong was the opposition to this policy and so ardent the desire of officers to accept regiments that, reflecting the popular feeling on the subject, Congress, in the law of July 29, 1861, organizing the new regiments, authorized the Commanding General, in his discretion, to "detail any of the officers now in the Regular Army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency."

The defeat of the law, so excellent in intention, scarcely needs vindication. For want of being mandatory, it permitted the fatal opposition to continue, until the volunteers began to feel themselves soldiers no longer requiring trained officers to lead them.[a]

The failure at the War Department to appreciate the value of professional training operated against individuals outside of the Army.

When General Grant, in 1861, addressed the Adjutant-General, stating that, having received a military education, he felt it his duty to place at the disposal of the Government whatever skill or experience he had formerly acquired in its service, no notice was taken of his application, nor was his letter deemed of sufficient importance to preserve.[b]

This neglect, however, proved to himself and the country a blessing in disguise. Five weeks later, placed at the head of a regiment by Governor Yates, of Illinois, he began the marvelous career which led him to the command of all our armies, and still higher, to the Presidency of the Republic.

Other graduates of the Military Academy were scarcely less fortunate in being out of the Army. Wherever they were living, popular instinct designated them to fill the highest commands, to become at once prominent characters in the war.

To establish the fact that the Government did not know how to utilize the professional skill at its disposal, let us again refer to statistics:

Total number of graduates of the Military Academy, from 1829 to 1861, both years inclusive	1,426
Total died within same period	363
Total living in 1861	1,063
Number remaining in service	750
Number in civil life	313

[a] As an instance of the opposition of the Adjutant-General, the first War Governor of Iowa made a personal application for the detail of a graduate of the Military Academy as colonel of an Iowa regiment, and was refused. He afterwards succeeded, by carrying the application to the Secretary of War. (Statement made by ex-Governor Kirkwood, March 15, 1879.)

[b] Badeau's Military History of Ulysses S. Grant, vol. 1, p. 9.

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The 750 remaining in service were reduced by death, retirement, and other causes before the actual commencement of hostilities to 741, and of this number remaining to be accounted for, there were 8 dismissed and took no part on either side; 9 resigned and took no part on either side; 168, or 22½ per cent, resigned and joined in the Rebellion; 556, or 75 per cent, remained in the service.

Of the 556 remaining in service 51, or 19½ per cent, attained the rank of major-general; 91, or 16.3 per cent, attained the rank of brigadier-general; 106, or 19 per cent, attained the rank of colonel; 56, or 10 per cent, attained the rank of lieutenant-colonel; 69, or 12.2 per cent, attained the rank of major; 157, or 27.1 per cent, attained the rank of captain; 32, or 5.7 per cent, attained the rank of lieutenant; total attaining grade of general officer, 142; total attaining grade of colonel and above, 248.

Percentage of whole number remaining in service who attained grade of general officer, 0.25.

Percentage of whole number remaining in service who attained grade of colonel and above, 0.44.

Of the 313 who were out of the service in 1861, 1 remained in foreign service; 98, or 31 per cent, remained in civil life; 92, or 29 per cent, joined in the rebellion; 102, or 32 per cent, reentered the service.

Of the 102 who reentered the service, 1 attained the rank of general; 1 attained the rank of lieutenant-general; 19 attained the rank of major-general; 32 attained the rank of brigadier-general; 29 attained the rank of colonel; total attaining grade of general officers, 53; total attaining grade of colonel and above, 82.

Percentage of whole number reentering the service who attained the grade of general officer, 51.

Percentage of whole number reentering the service who attained the grade of colonel and above, 80.

Thus it appears that while only one-quarter of the number of graduates in service rose to the rank of general officer, more than one-half of those who came back from civil life attained the same grade, and that while 80 per cent of the graduates who came back to the Army attained the rank of colonel and above, only 44 per cent reached those grades who remained in the Army.[a]

With such brilliant results for the 102 officers who came back to the service, the policy which kept 308 graduates (of whom 151 were captains) in the lower grades of the Army should be ranked as one of the greatest blunders of the war.

This fatal policy did not apply exclusively to graduates, but included many able and accomplished officers appointed from civil life and the Army, whose long and faithful service specially qualified them for the command of new troops.

The statistics above quoted show another defect in our system which allowed 98 officers, educated at public expense, to remain in civil pursuits at a time when the life of the Republic was in danger.

In Europe, every officer of the army who retires to private life is, up to a certain age, subject to the call of his government, and the fact that we found our two most eminent commanders among the graduates who had resigned, should teach us the importance of holding officers

[a] "This mathematical discussion, though valuable to graduates, will not strengthen with the world your real argument.—W. T. S." Note by General Sherman.—EDITORS.

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who have once been commissioned in the Army, subject to the call of our Government till they reach the age of physical disability.

PATRIOTISM OF THE ARMY.

In describing the condition of the country in 1861, the Committee on the Conduct of the War reported:

> There was treason in the Executive Mansion, treason in the Cabinet, treason in the Senate and the House of Representatives, treason in the Army and the Navy, treason in every department, bureau, and office connected with the Government.[a]

Notwithstanding the universality of this assertion, the Army, because of the defection of a few of its officers, suffered more in the estimation of the people than any other branch of the public service.

Disloyalty in the civil departments was readily ascribed to the influence of birth and education, but no such charity was extended to the Army. The officers who proved disloyal, particularly those who had received the benefit of a professional education, were charged with being ungrateful. Their conduct, too, with singular unanimity, was ascribed less to the influence of birth and kindred than to the alleged treasonable teachings at the Military Academy, a national institution whose chief pride had been to encourage among its pupils a sense of duty, love of country, and reverence for its flag.

The influence of association and training at the Military Academy in promoting the loyalty of the graduates is not a subject for speculation, but can be settled by statistics.

The total number of graduates from 1802 to 1861 who were supposed to be living at the latter date was 1,249.

Of this number, 99 from civil life and 184 from the Army, or less than 23 per cent, joined the Rebellion, leaving 77 per cent loyal.

Adding to the disloyal two-thirds of the 37 graduates whose records were unknown, which would probably include all who were living, the figures still show that 75 per cent of the graduates remained faithful to the Union.[b]

Of the 821 graduates in the Army when the States began to secede, 184 joined the rebellion, leaving 78 per cent, or nearly four-fifths, who remained loyal.

Of the 99 graduates who joined the rebellion from civil life, all except one were from slave territory or residents therein.

Of the 350 graduates born in or appointed from slave territory who were in the military service when the Southern States seceded, 162, or nearly one-half, remained loyal, while 168 joined the rebellion. To the latter must be added 16 from the Northern States, making the total disloyal 184.

Of the 293 loyal graduates in civil life at the date of secession, 115 reentered the military service as officers of regulars or volunteers.

Of the graduates who remained in or reentered the military service, one-fifth laid down their lives in defense of the Union.[c]

In further vindication of the loyal teachings of the Military Academy, General Cullom writes:

> But let us examine this rebellion record a little more closely. In the executive

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 61.

[b] "Too nice a calculation for this discussion." Note by General Sherman.—EDITORS.

[c] The foregoing facts are transcribed from the table on p. 6, vol. 1, of Cullom's Biographical Register of the Officers and Graduates of the U. S. Military Academy.

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department four Presidents were living when secession began. Of these, the only Southerner joined the rebels, another did the country more harm than an avowed enemy, while the others certainly were not over demonstrative in their efforts to preserve the Union. Belonging to the bench of the Supreme Court there were four Southern judges, of whom two remained loyal, one was strongly sympathetic with the South, and one joined the rebels. The Southern judges of the United States district courts sided with their own people. Of the Senators in Congress from the seceding States but one, and of the House of Representatives but three, remained loyal. Nearly all the agents of the State, Treasury, Interior, and Post-Office Departments residing in or from the seceding States espoused the rebel cause.

Over one-fourth of the officers of the Navy on the active list resigned or were dismissed in 1860–61, nearly all of whom, being Southerners, probably joined in the rebellion. Of those appointed in the Army from civil life, nearly one-half, while but a little over one-fifth of the West Point officers, left the service and joined in the rebellion.

With these pregnant facts before us we would ask: Was it a greater wrong in an humble graduate to forget the Nation's fostering care in training him for four years at the Military Academy than for a President to renounce his allegiance to the country which for four years had encircled his brow with the Republic's crown? Was it more disreputable to forsake the flag beneath which the graduate had been reared, than to stain the revered and venerable ermine of the Supreme Bench with the upas of secession? Were the makers of the laws—Southern Senators and Representatives—who trampled the Constitution under foot, less guilty than graduates for violating their vows?

Strange to say, though so many of those highest officials of the land rebelled against the Union, we rarely hear Congress, the Supreme Court, the Executive and other departments of the Government stigmatized as nurseries of treason, while the Military Academy has been the butt against which every opprobrious epithet has been hurled by unscrupulous demagogues, as false to the flag and ungrateful to the nation, notwithstanding the statistics show that the West Point part of the Army has been by far the most loyal branch of the public service; that nearly four-fifths of its graduate-officers remained faithful; that one-half of those from the South stood firm by the Stars and Stripes; and in the battles for the Union that one-fifth of those engaged laid down their lives, more than one-third, and probably one-half, were wounded, and the survivors can point with manly pride to their services, here recorded, for the preservation of the nation.

Can Harvard, Yale, Columbia, Union, Princeton, or any other college in the land show a higher record of patriotism and sacrifice? Assuredly not, for their Southern graduates espoused the rebel cause almost *en masse*. Should, then, these noble seminaries of learning be aspersed as nurseries of treason because they did not retain all their *élèves* in the Union field? And is it just to launch anathemas at the Military Academy, which saved by the antidote of its loyal teachings one-half of its Southern pupils, who from infancy to early manhood, before they entered this, our truly national institution, had imbibed the poison of secession till the virus had permeated every fiber of their hearts and brains? That noble band of 162 Southern graduates, cradled and reared in State allegiance, but rescued from treason by West Point influences, bravely battled against rebellion, and no less firmly against every appeal of relative and friend to swerve them from loyalty and duty. These, with all Northern officers (save 16 who dishonored their alma mater), and 115 graduates from civil life who rejoined the military service, fought the good fight for the Union, though their merits were often overlooked to give place to those who had not learned, as Napoleon calls it "*le metier des armes.*" [a]

While the above facts should sufficiently establish the relative loyalty of the officers of the Army, the claims of the enlisted men should not be forgotten. Mostly recruited in the North, only 26 are known to have joined the Rebellion. If to this number be added 313, representing the recreant officers, it will appear that out of an aggregate of 16,367 officers and men, but 339, or less than 3 per cent proved disloyal. No branch of the civil service can boast such a record. In the South, the personnel of every civil department joined the Rebellion *en masse*, but to the glory of the Army it should be said that although

[a] Cullum's Biographical Register of Officers and Graduates of the United States Military Academy, vol. 1, Preface, pp. 12–14.

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portions of it were betrayed into the hands of the enemy, no regiment, company, or detachment ever for a moment forgot its duty to the flag its members had sworn to protect.

FURNISHING MILITARY LEADERS FOR THE REBELLION.

The evil inflicted upon the country by discouraging regular officers from holding volunteer commissions, sinks into insignificance when compared with the calamities flowing from the policy of the Government in reference to officers who sought to join the Rebellion.

Long before the secession of South Carolina such of them as cherished the fallacy of State sovereignty proclaimed their intention to follow the fortunes of their section. Accordingly, as one State after another passed the ordinance of secession, they forwarded letters of resignation, which, with scarcely an exception, were promptly accepted.

Their views of their duty to the Government and their construction of its action are thus explained by General Joseph E. Johnston:

> The passage of that ordinance (i. e., ordinance of secession of Virginia) in secret session on the 17th of April was not known in Washington, where, as Quartermaster-General of the United States Army, I was then stationed until the 19th. I believed, like most others, that the decision of the country would be permanent, and that apart from any right of secession, the revolution begun was justified by the maxims so often repeated by Americans—that free government is founded in the consent of the governed, and that every community strong enough to establish and maintain its independence has a right to assert it. Having been educated in such opinions, I naturally determined to return to the State of which I was a native, join the people among whom I was born, and live with my kindred, and, if necessary, fight in their defense.
>
> Accordingly, the resignation of my commission, written on Saturday, was offered to the Secretary of War Monday morning. That gentleman was requested at the same time, to instruct the Adjutant-General, who had kindly accompanied me, to write the order announcing its acceptance immediately.
>
> No other officer of the United States Army of equal rank—that of brigadier-general—relinquished his position in it to join the Southern Confederacy.
>
> Many officers of that army of Southern birth had previously resigned their commissions to return to the States of which they were citizens, and many others did so later. Their object in quitting the United States Army and their intention to enter the service of the seceded States were well known in the War Department, yet no evidence of disapproval of these intentions was given by the Federal Administration nor efforts made by it to prevent their execution. This seems to me strong proof that they were not then considered criminal.[a]

In seeking to repel the charge of perjury in breaking their oaths of allegiance, General Johnston continues:

> The acceptance of an officer's resignation absolves him from the obligations of his military oath as completely as it absolves the Government from that of giving him the pay of the grade he held. An officer is bound by that oath of allegiance to the United States and obedience to the officers they may set over him. When the contract between the Government and himself is dissolved by mutual consent, as in the cases in question, he is no more bound under his oath to allegiance to the Government than to obedience to his former commander. These two obligations are in force only during tenure of office. The individual who was an officer has, when he becomes a citizen, exactly the same obligations to the United States as other citizens.
>
> This principle was always acted upon by the United States. Whenever a military officer received a new appointment, either of a higher grade or of an equal one in another corps, he was required to repeat the oath of office, because the previous one, including of course that of allegiance, was held to have expired with the previous office, although the individual had not ceased to be an officer of the Army. When he left the Army, as well as a particular office in it, the case was certainly stronger.[b]

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[a] Johnston's Narrative of Military Operations, pp. 10, 11.
[b] Johnston's Narrative of Military Operations, pp. 11, 12.

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It is manifest from the above views, that had the first officers who betrayed signs of defection been placed in arrest, or if necessary imprisoned, all who regarded the sanctity of an oath would have been compelled to remain in the service, while such as were determined to join the Rebellion could only have done so by adding to disloyalty the double crime of perjury and desertion. As none of our statesmen, however, fully appreciated the value of loyal officers, it was not to be expected that the Government would foresee any special danger in permitting the disloyal to withdraw. On the contrary, instead of retaining them under surveillance or unemployed, it was deemed desirable to purge the personnel of the Army, like that of every other branch of the Government, of the last trace of disaffection. Accordingly nearly every officer who applied received an honorable discharge.

This unfortunate policy deprived many officers of their last plea for remaining true to their country. Beset by the importunities of their kindred, reproached for forsaking them, left alone to decide the momentous question, whether it was to their States or to the Union that they owned a paramount allegiance, many at last with bitter regret cast in their lot with secession.

The responsibility for accepting the resignations rests with no particular individual. The policy was begun by a Secretary of War notoriously disloyal, but was continued by his successors, with the sanction presumably of two Presidents and their Cabinets.

The professional training voluntarily relinquished by the Government at the beginning of the great conflict is represented by the following figures, which show the number of general officers furnished the Confederacy from the Regular Army of the United States, most of whom resigned their commissions between December 20, 1860, the date of the secession of South Carolina, and January 1, 1862:

Confederate generals	8
Confederate lieutenant-generals	15
Confederate major-generals	48
Confederate brigadier-generals	111

Of the number who resigned after the attack upon Fort Sumter, 4 became generals, 6 lieutenant-generals, 21 major-generals, 38 brigadier-generals. Of the total number in the Confederate Army, 182 rose to command rank.

While contemplating with just pride the final triumph of the Union, if we but recall the fact that nearly every victory gained by the armies of the Rebellion was achieved under the leadership of these officers, it may safely be affirmed that never did statesmen commit a greater mistake in managing the military resources of a nation.

Instead of leaving the Confederacy to exhaust itself, under the military system of 1792, its troops enlisted for but twelve months, its armies for the most part commanded by generals of no military experience, its officers elected by its men, we gave to it the skilled leaders who for four years jeopardized our liberties and deluged the country with blood.[a]

[a] After having been the medium of accepting the larger part of the resignations of disloyal officers, the Secretary of War, in his report of July 1, 1861, admitted that "but for this startling defection the rebellion never could have assumed formidable proportions." (Frank Moore's Rebellion Record, p. 234, Doc. 67.)

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MILITARY ADVENTURERS.

The failure of our Government to appreciate the value of a regular officer entering the Army from whatever source was all the more aggravated by the discrimination it made in favor of military adventurers.

Notwithstanding the exception of many good officers, the same class of men who vexed Washington in the Revolution returned in increasing numbers, and possessing the advantage of foreign military education, persistently urged upon the Government their claims for employment.

No better proof of the glaring inconsistency of our policy can be presented than the correspondence between the two Cabinet ministers who at the beginning of the Rebellion presided over the Departments of War and of State.

The correspondence is as follows:

DEPARTMENT OF STATE,
Washington, D. C., December 6, 1861.

SIR: I inclose a copy of a letter to me of the 4th instant from the chief of the staff of the Commander in Chief, which seems to be rather discouraging as to the further employment of foreign officers in the military service of the United States. Being sure that if we do not provide honorable employment for such officers as may come hither in quest of it, they will seek and probably obtain similar employment in the forces of insurgents, I would suggest that a circular be addressed to Governors of States requesting them to make such arrangements as may prevent such a result. If your avocations should not allow you leisure to prepare such a circular, I will cheerfully prepare it myself.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. SIMON CAMERON,
Secretary of War.

(Inclosure.)

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, D. C., December 4, 1861.

MY DEAR SIR: I have the honor to acknowledge the receipt of several communications from you, relative to the employment of foreign officers in our Army. I have endeavored to find places for these gentlemen, and in a few instances have succeeded; but the difficulty I have encountered is that all the regimental officers are appointed by the governors of the States, and when vacancies occur they are filled by election, so that the only positions that remain available for such applicants are upon the staffs of some of the general officers, and I have therefore advised the gentlemen to apply to them; but the generals have for the most part organized and filled their staffs with officers of their own selection.

I should regard it as highly important if the services of educated officers who speak our language could be secured with our volunteer regiments, and if the governors of States would appoint them to the higher positions, or if they could be elected to fill vacancies, I feel confident they would contribute greatly to the efficiency of the Army.

I am, sir, with great respect, your obedient servant,

R. B. MARCY,
Chief of Staff.

Hon. WM. H. SEWARD,
Secretary of State.

In answer to the letter of the Secretary of State, the Secretary of War sent the following circular to the governors of States:

WAR DEPARTMENT,
Washington, December 23, 1861.

SIR: Large numbers of foreign officers of military education and experience have tendered their services to the Government, which has to the extent of its ability

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availed itself of their offers. Many, however, yet remain unemployed, and the Department deeming it of great importance that their services should be secured to our volunteer forces, respectfully recommends that, when practicable, they be selected for regimental positions for which they may appear to be qualified. The Department is confident that their employment would tend to increase the efficiency of our volunteer forces by giving to inexperienced officers competent instructors and to regiments able and skilful commanders.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

Their Excellencies, the Governors of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, and Minnesota.

It thus appeared that to prevent "foreign officers of military education from seeking employment in the forces of the insurgents," the War Department, which six months before refused regular officers commissions in the volunteers, recommended the governors of States to appoint mere adventurers on the ground that their employment "would tend to increase the efficiency of our volunteer forces by giving to inexperienced officers competent instructors and to regiments able and skillful commanders."

BATTLE OF BULL RUN.

The acceptance before the 1st of July, of more than 200,000 volunteers for the term of three years, did not deliver the Government from the temptation of again testing the folly of short enlistments.

Mistaking numbers for strength, and forgetting, too, that the fame of the militia at Bunker Hill and New Orleans was acquired behind formidable entrenchments, Congress and the Cabinet, the press and the people, united in demanding that before their discharge the 75,000 three-months' men should be led into battle.

The disaster that ensued demands that the causes leading to it be carefully considered. First among them was the popular but mistaken belief that because our citizens individually possess courage, fortitude, and self-reliance, they must necessarily possess the same qualities when aggregated as soldiers. And next to this error was the fatal delusion, that an army animated by patriotism needed neither instruction nor discipline to prepare it for battle.

Military commanders were not wholly deceived. In his testimony before the Committee on the Conduct of the War, General McDowell, who was selected to command the army in front of Washington, stated:

I had no opportunity to test my machinery, to move it around and see whether it would work smoothly or not. In fact, such was the feeling, that when I had one body of eight regiments of troops reviewed together, the general censured me for it, as if I was trying to make some show. I did not think so. There was not a man there who had ever maneuvered troops in large bodies. There was not one in the Army. I did not believe there was one in the whole country. At least I knew there was no one there who had ever handled 30,000 troops. I had seen them handled abroad in reviews and marches, but I had never handled that number, and no one here had. I wanted very much a little time, all of us wanted it. We did not have a bit of it.[a]

To his representations that the troops were green and uninstructed, the ready reply was:

You are green, it is true, but they are green also; you are all green alike.[a]

[a] Report of the Joint Committee on the Conduct of the War, vol. 3, p. 38.

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General Patterson, who was in command of the Army of the Shenandoah, was more in accord with the popular feeling. Writing to the Adjutant-General from Hagerstown, June 28, he stated:

I beg to remind the General in Chief that the period of service of nearly all the troops here will expire within a month, and that if we do not meet the enemy with them we will be in no condition to do so for three months to come. The new regiments will not be fit for service before September, if then, and meanwhile this whole frontier will be exposed.

I have got my command into as good condition as I could expect in so short a time. Officers and men are anxious to be led against the insurgents, and if the General in Chief will give me a regiment of regulars and an adequate force of field artillery, I will cross the river and attack the enemy, unless their forces are ascertained to be more than two to one.[a]

The next three weeks gave him a personal experience of the perplexities which beset Washington throughout the Revolution. The part assigned to him in the approaching campaign was to so occupy the enemy's forces in the Shenandoah Valley, as to prevent them from making a junction with their main body at Manassas. Accordingly on the 2d of July he crossed the Potomac, and after a slight skirmish occupied Martinsburg. On the 15th, he advanced to Bunker Hill, only 10 miles from Winchester, then occupied by the enemy. Here he was confronted and his plans deranged by the impending dissolution of his army.

June 16, he wrote to the Adjutant-General:

I have to report that the term of service of a very large portion of this force will expire in a few days. From an under-current expression of feeling I am confident that many will be inclined to lay down their arms the day their time expires. With such a feeling existing, any active operations toward Winchester cannot be thought of until they are replaced by three years' men.[b]

Having relinquished the project of a further advance, and transferred his army to Charlestown, nearer Harpers Ferry, he telegraphed from there on the 18th:

With the existing feeling and determination of the three months' men to return home, it would be ruinous to advance or even to stay here without immediate increase of force to replace them. They will not remain.

I have ordered the brigades to assemble this afternoon, and shall make a personal appeal to the troops to stay a few days until I can be reenforced. Many of the regiments are without shoes; the Government refuses to furnish them; the men have received no pay; and neither officers nor soldiers have money to purchase with. Under these circumstances I cannot ask or expect the three months' volunteers to stay longer than one week.[c]

The same day he also wrote from Charlestown:

* * * Before marching from Martinsburg I heard of the mutterings of many of the volunteer regiments and their expressed determination not to serve one hour after their term of service should expire. I anticipated a better expression of opinion as we approached the enemy, and hoped to hear of a willingness to remain a week or ten days. I was disappointed; and when I prepared for a movement to the front, by an order for the men to carry two days' provisions in their haversacks, I was assailed by earnest remonstrances against being detained over their term of service, complaints from officers of want of shoes and other clothing, all throwing obstacles in the way of active operations. Indeed I found I should, if I took Winchester, be without men and be forced to retreat, thus losing the fruits of victory. Under these circumstances neither I nor those on whom I could rely, could advance with any confidence. I am, therefore, now here with a force which will be dwindling away very rapidly. I to-day appealed almost in vain to the regiments to stand by the country for a week or ten days.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 3, pp. 126, 127.
[b] Report of the Joint Committee on the Conduct of the War, vol. 3, p. 132.
[c] Report of the Joint Committee on the Conduct of the War, vol. 3, pp. 138, 139.
[d] Report of the Joint Committee on the Conduct of the War, vol. 3, p. 139.

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The efforts made by General Patterson to hold his army together, are fully explained in the testimony of Colonel Biddle before the Joint Committee on the Conduct of the War.

Q. When did you first hear any complaints there that the regiments wanted to go home?—A. I think there was no question about their going until they got to Charlestown. The time of none of them expired until then. They all expected to go home at the end of their three months. There was no appeal made to them until we got to Charlestown.

Q. They manifested no dissatisfaction before that time?—A. No, sir; I do not know as they did, until at Charlestown when they expected to go home. I recollect perfectly the discussions that took place in regard to those troops. The regular officers said the troops would not stay a day after their time had expired. The General said, "Well, you will see." They said, "We know, because we saw it in Mexico." I said, "This is entirely a different matter; this is a fight for the existence of our Government, and the men will not dare go home, I think." General Patterson took it up and went out and made a direct appeal to the men. The General speaks very well under all circumstances, and he made remarkably good speeches then, as I thought, and as all thought. The General went to his son's regiment, which was a very fine regiment, and which we understood was willing to remain. The General made a speech to them, but to our surprise a considerable number of them refused to put up their muskets when the question was put to them. The officers were very much mortified at this, and spoke to the men, and finally they got them, with few exceptions, to put up their muskets. But still it was a sort of touch-and-go with them. That was the first time the fear crossed my mind that there would be trouble. The General then went to the other regiments, but found that it was not feasible at all; from one-half to two-thirds refused to go. He finally got to an Irish regiment and made a very powerful appeal to them, knowing the Irish character very well. He carried them with a sort of shout, and they all said they would remain. They all lifted up their muskets. But he had hardly turned his back when they hallooed out "Shoes and pants!" "Shoes and pants!"

Q. And it was evident then that you could do no more?—A. Yes, sir.[a]

While, through short enlistments, such was the demoralization of the troops in the Shenandoah, the disposition of the militia in the main army was quite as alarming. On the morning of the 21st of July, although the Secretary of War and the commanding general had besought them to remain, a regiment of infantry and a battery of artillery, whose term of service had expired, began their homeward march "to the sound of the enemy's cannon."[b]

The same day the remainder of the army, launched against the enemy in position at Bull Run was totally defeated. In the panic that ensued, discipline again gave proof of its value. The battalion of regulars which covered the retreat and was the last to leave the field, checked the enemy's pursuit and retired in perfect order.[c]

It is well known that the strength of a chain is that of its weakest link, and with slight modification the same principle applies to an army—that complicated mechanism upon which has often depended the fate of republics and empires. The army which went forth to Bull Run, freighted with the hope of a loyal people, was simply a chain of weak links.

Except a battalion of eight companies, made up of the Second, Third, and Eighth Infantry, a battalion of marines, a small detachment from the First and Second Dragoons, and 6 batteries of artillery, aggregating 800 men,[d] the troops who were expected to vanquish opposition,

[a] Report of the Joint Committee on the Conduct of the War, vol. 3, pp. 196, 197.

[b] General McDowell's official report, Frank Moore's Rebellion Record, vol. 2, p. 6, Doc. 1.

[c] Official Report Maj. George Sykes's, Frank Moore's Rebellion Record, vol. 2, p. 25, Doc. 1.

[d] Draper's History of the American Civil War, vol. 2, p. 115.

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were composed exclusively of volunteers and militia. Some of the former had, on the day of the battle, been mustered into the service less than a month; the term of service of all the regiments of militia was on the eve of expiring. These facts will explain to any military mind the loss of the battle. The plan was all that could have been anticipated from an able and judicious commander, but when he sought to execute it "to test his machinery," he found that discipline, the only sure bond of cohesion, was entirely wanting.

General Heintzelman, after having in vain sought to rally his broken regiments, spoke of their conduct as follows: "The want of discipline in these regiments was so great, that the most of the men would run from fifty to several hundred yards to the rear and continue to fire—fortunately for the braver ones, very high in the air, and compelling those in front to retreat.[a]

As a skirmish line from some of the regiments of volunteers which participated in the conflict, was afterwards able to dispute the advance of the enemy in line of battle, it is plain that the loss of the battle was due more to the lack of discipline than to the want of individual courage.

The number of troops which crossed Bull Run was: Confederate forces, estimated at 29,949;[b] Union forces, 28,568.

The Union loss in killed and wounded was 1,492,[c] or but 5 per cent of the total force engaged.[d]

The same regiments after a year's discipline would have scorned to retire with a loss of less than 30 to 50 per cent.

The effect of this disastrous battle, which gave the enemy all the advantages of the initiative, had he chosen to use it, was to paralyze military operations for more than six months.

Amazed and humiliated, the people bowed their heads, and confiding everything to military commanders, patiently awaited the opening of another campaign.[e]

In contrast with the conclusions of the historian, the Joint Committee on the Conduct of the War, reported that the principal cause of defeat on that day was the failure of General Patterson to hold the forces of Johnston in the Shenandoah Valley.[f]

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[a] Official report of General Heintzelman, Frank Moore's Rebellion Record, vol. 2, p. 26, Doc. 1.

[b] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 249.

[c] Medical and Surgical History of the War of the Rebellion, vol. 1.

[d] These figures and those in the preceding paragraph of the text are in error, due to a confusion of the first and second battles of Bull Run. The best estimates of the strength of the opposing forces at the opening of the first battle indicate that they were approximately equal and of about 28,000 men each. Only about 18,000, however, on each side were actually engaged. The Union loss as reported was: Killed, 460; wounded, 1,124; missing, 1,312; total, 2,896.—*M. I. D., January, 1907.*

[e] The effect of the lesson taught at Bull Run is thus described by Mr. Swinton, the historian of the Army of the Potomac: "When the army that so lately had gone forth with such high hopes returned from Manassas shattered and discomfited to the banks of the Potomac, wise men saw there that which had suffered worse defeat than the army—it was the system under which Bull Run had been fought and lost. The lesson was a severe one; but if it was needed to demonstrate the legitimate result of the crude experimentalism under which the war had been conducted, when campaigns were planned by ignorant politicians and battles precipitated by the pressure of sanguine journalists, were fought by raw three-month levies—the price paid was perhaps not too high. The Bull Run experiment taught the country it was real war it had undertaken, and that success could only be hoped for by a strict conformity to military principles." (Swinton's Campaigns of the Army of the Potomac.)

[f] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 5.

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OTHER MILITARY OPERATIONS IN 1861.

The victories of Rich Mountain and Carricks Ford, which resulted early in July in the capture and dispersion of the enemy's forces in western Virginia, partly relieved the gloom and depression occasioned by the defeat at Bull Run, but these victories were soon obscured by fresh tidings of disaster.

August 10, General Lyon was killed and the Union forces defeated at Wilson's Creek, Missouri; September 20, Lexington, Mo., was surrendered, followed on the 21st of October by the disastrous repulse at Balls Bluff; November 7, occurred the bold but indecisive battle of Belmont, succeeded on the 20th of December by the victory of Drainesville.

The loss in killed and wounded[a] at Wilsons Creek was 949, at Lexington 150, at Balls Bluff 449, at Belmont 263, at Drainesville 68.

It will be seen from the above figures that with the exception of Wilson's Creek those engagements scarcely rose above the dignity of a skirmish; nevertheless so conscious was the country of being unprepared for war, that in moral effect they were all invested with the importance of great battles.

In connection with the quality and paucity of troops placed at the disposition of the Union commanders, the trifling losses in the battles and skirmishes of 1861 possess for the statesman a special significance. They attested at the beginning of the war the utter weakness of a nation, which needed only time to develop its resources, to take a foremost rank among the great powers of the world.

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[a] Medical and Surgical History of the War of the Rebellion, vol. 1, pp. xxxvii–xl.

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CHAPTER XVIII.

MILITARY POLICY OF THE UNITED STATES DURING THE REBELLION (CONTINUED).

MILITARY LEGISLATION IN 1861.

The military system under which, in two campaigns of seven weeks each, Prussia humiliated Austria, in 1866, and subverted the French Empire in 1870, was the joint product of soldiers and statesmen, who began their laborers (in 1806) immediately after the disastrous battle of Jena. The military system under which we subdued the Rebellion was established by Congress in less than four weeks.

The energy and haste with which the new Congress set to work to repair the neglect of its predecessors, may be inferred from the number and character of the bills and the joint resolution introduced in the Senate on the 6th of July, two days after the opening of the session, which bills were as follows: A bill to authorize the employment of volunteers to aid in enforcing the laws and protecting public property; a bill to increase the present military establishment of the United States; a bill providing for the better organization of the military establishment; a bill for the organization of a volunteer militia force, to be called the National Guard of the United States; also a joint resolution to ratify and confirm certain acts of the President for the suppression of insurrection and rebellion.[a]

In providing for the national defense, no false notions of economy—a political virtue paraded only in time of peace—were permitted to delay Congressional action. The first bill, in conformity with the recommendation of the President, proposed to authorize a force of 400,000 volunteers, and to appropriate $400,000,000, a sum greater than the total cost of the wars of the Revolution and 1812. Prodigal as these propositions may appear, the number of men was increased by 100,000 and the appropriation by $100,000,000. The bill as thus amended—the appropriation was stricken out and reserved for separate consideration—passed the Senate on the 10th day of July, and was sent to the House. On the 11th it was recalled by resolution of the Senate, and after several important amendments was again sent to the House. On the 16th the bill with amendments passed the House. The Senate non-concurring, it was referred on the 17th to a committee of conference, passed both Houses on the 18th, and on the 22d received the President's signature.

The same day that the first bill to authorize the employment of half a million of men became a law, another bill was introduced in the Sen-

[a] Frank Moore's Rebellion Record, vol. 10, p. 1, Doc. 1.

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ate to remove all restriction upon the President, by permitting him to accept the services of volunteers in such numbers as the exigencies of the public service might require. On the 23d the bill passed the Senate with the proviso added to the first section, "That the number of troops hereby authorized should not exceed five hundred thousand." The next day the bill passed the House without a division, and on the 25th was approved by the President. The second bill, which appears to have slipped through Congress amid the whirl and excitement produced by the defeat at Bull Run, was not intended to increase the total number of volunteers above 500,000, yet under an improvident system, it was afterwards construed to sanction the employment of more than a million.[a]

Pending the enactment of the above laws, the bill to increase the Regular Army also came up for discussion. The Senate satisfied itself with giving legal effect to the proclamation of the President of May 3; but in the House the proposed increase, feeble as it was, again raised the specter of a standing army.

It mattered not that without the previous sanction of Congress, a quarter of a million of men were already in the field. Such a breach of the Constitution was lost sight of, when compared with the danger of a few disciplined soldiers. To allay the specter, the House therefore voted that the eleven new regiments should be converted into a force of volunteers. This action was apparently based on the report submitted by Mr. Blair, who stated:

> That the Military Committee of the House unanimously dissented from the recommendation of the Secretary of War; they did not consider that there was any occasion to increase the military establishment, but as something had been done to organize the new regiments, the committee had stripped the organization of that feature which alone made it repugnant to a free people—that of establishing a large standing army.[b]

On the 24th of July, the bill was referred to a committee of conference, when the House receded from its position on the condition that at the end of the war, the Army should be reduced to a number not exceeding 25,000 men.

The bill received the President's approval on the 29th of July. A clear comprehension of the many needless sacrifices imposed on the people in subduing the Rebellion, requires that the three acts of July 22, 25, and 29 be quoted entire.

Act of July 22:

> Whereas certain of the forts, arsenals, custom-houses, navy-yards, and other property of the United States have been seized, and other violations of law have been committed, and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore,
>
> *Resolved*, That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the law, and preserving and protecting the public property: *Provided*, That the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and

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[a] See Note 2, Callan's Military Laws of the United States, p. 472:

"I remember that the construction placed upon those acts by the President and Secretary of War, was that only 500,000 men should be called out under oath, and practically I think they were so treated by all the Departments. My attention was called to it, of course, in fixing the quota of this State." (Letter from Hon. Austin Blair, ex-Governor of Michigan, dated December 19, 1878.)

[b] Frank Moore's Rebellion Record, vol. 10, p. 7, Doc. 1.

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they shall be disbanded at the end of the war. And all provisions of law applicable to three years' volunteers shall apply to two years' volunteers, and to all volunteers who have been or may be accepted into the service of the United States for a period not less than six months, in the same manner as if such volunteers were specially named. Before receiving into service any number of volunteers exceeding those now called and accepted, the President shall, from time to time, issue his proclamation stating the number desired, either as cavalry, infantry, or artillery, and the States from which they are to be furnished, having reference in any such requisition to the number then in service from the several States, and to the exigencies of the service at the time, and equalizing, as far as practicable, the number furnished by the several States, according to Federal population.

SEC. 2. That the said volunteers shall be subject to the rules and regulations governing the Army of the United States, and that they shall be formed by the President into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant (a lieutenant), one quartermaster (a lieutenant), one surgeon, and one assistant surgeon, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, two principal musicians, and twenty-four musicians for a band, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

SEC. 3. That these forces when accepted as herein authorized shall be organized into divisions of three or more brigades each; and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general, with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general, with the rank of captain, one surgeon, one assistant quartermaster, and one commissary of subsistence.

SEC. 4. That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of forces provided for in this act, a number of major-generals, not exceeding six, and a number of brigadier-generals, not exceeding eighteen, and other division and brigade officers, required for the organization of these forces, except the aids-de-camp, who shall be selected by their respective generals from the officers of the Army or volunteer corps: *Provided*, That the President may select the major-generals and brigadier-generals provided for in this act from the line or staff of the Regular Army, and the officers so selected shall be permitted to retain their rank therein. The governors of the States furnishing volunteers under this act shall commission the field, staff, and company officers requisite for the said volunteers; but in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services and to commission the proper field, staff, and company officers.

SEC. 5. That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowance, of similar corps of the Regular Army: *Provided*, That the allowances of noncommissioned officers and privates for clothing, when not furnished in kind, shall be paid three dollars and fifty cents per month, and that each company officer, noncommissioned officer, private, musician, and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, except that in case the horse shall become disabled, or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional in lieu of forage, for every twenty miles of travel from his place of enrollment to the place of muster, the distance to be measured by the shortest usually travelled route; and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and, in addition thereto, if he shall have served for a period of two years or during the war, if sooner ended, the sum of one hundred dollars: *Provided*, That such of the companies of cavalry herein provided for as may require it, may be furnished with horses and horse equipments in the same manner as in the United States Army.

SEC. 6. That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service,

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shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and the widow, if there be one, and if not, the legal heirs of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

SEC. 7. That the bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: One-fourth of each shall receive the pay and allowances of sergeants of engineer soldiers, one-fourth those of corporals of engineer soldiers, and the remaining half those of privates of engineer soldiers of the first class, and the leaders of the band shall receive the same pay and emoluments as second lieutenants of infantry.

SEC. 8. That the wagoners and saddlers shall receive the pay and allowances of corporals of cavalry; the regimental commissary-sergeant shall receive the pay and allowances of regimental sergeant-major, and the regimental quartermaster-sergeant shall receive the pay and allowances of a sergeant of cavalry.

SEC. 9. That there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander, on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The chaplain so appointed must be a regularly ordained minister of a Christian denomination, and shall receive the pay and allowances of a captain of cavalry, and shall be required to report to the colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment and such suggestions as may conduce to the social happiness and moral improvement of the troops.

SEC. 10. That the general commanding a separate department or a detatched army, is hereby authorized to appoint a military board or commission of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer of volunteers, within his department or army, who may be reported to the board or commission, and upon such report, if adverse to such officer and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible to sit on such board or commission whose rank or promotion would in any way be affected by the proceedings, and two members at least, if practicable, shall be of equal rank of the officer being examined. *And when vacancies occur in any of the companies of volunteers an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote in their respective companies for all officers as high as captain, and vacancies above captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective governors of the States, or by the President of the United States.*[a]

SEC. 11. That all letters written by soldiers in the service of the United States may be transmitted through the mails without prepayment of postage, under such regulations as the Post-Office Department may prescribe, the postage thereon to be paid by the recipient.

SEC. 12. That the Secretary of War be, and he is hereby, authorized and directed to introduce among the volunteer forces in the service of the United States the system of allotment now used in the Navy, or some equivalent system, by which the family of the volunteer may draw such portions of his pay as he may request.[b]

Act of July 25:

That the President of the United States be, and is hereby authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may, in his opinion demand, to be organized, as authorized by the act of the 22d of July, 1861: *Provided*, That the number of troops hereby authorized shall not exceed five hundred thousand.

SEC. 2. That the volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the rules and articles of war, and shall be upon the footing, in all respects, with similar corps of the United States Army, and shall be mustered into the service for "during the war."

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[a] The italics are the author's.—EDITORS.

[b] Callan's Military Laws of the United States, pp. 466–471: The organization of regiments, brigades, and divisions under this law was identical with that submitted by Generals McDowell and Franklin to the Secretary of the Treasury, except that one surgeon was added to each regiment, and an extra aid-de-camp allowed to each major and brigadier-general.

In reference to the additional surgeon, the Medical Department justly complained that it had not been consulted as to the medical staff required for each regiment.

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SEC. 3. That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the volunteer forces, such number of major-generals and of brigadier-generals as may, in his judgment, be required for their organization.[a]

Act of July 29:

That there shall be added to the Regular Army, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery; each regiment of infantry to consist of not less than two, nor more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies, each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two, as the President of the United States may, according to the requirements of military service, direct.

The regiment of cavalry hereby authorized shall consist of not more than three battalions, of not more than two squadrons each, and each squadron shall consist of two companies, each company to be composed of one captain, one first lieutenant and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and as many privates, not exceeding seventy-two, as the President of the United States may, according to the requirements of the military service, direct.

The regiment of artillery hereby authorized shall consist of not more than 12 batteries, and each battery shall consist of 1 captain, 1 first and 1 second lieutenant, and 1 first sergeant, 4 sergeants, 8 corporals, 2 musicians, 2 artificers, 1 wagoner, and as many privates, not exceeding 122, as the President of the United States may, according to the requirements of the military service, direct. And there may be added to the aforesaid battery organization, at the discretion of the President, having due regard to the public necessities and means, 1 first and 1 second lieutenant, 2 sergeants, and 4 corporals.

SEC. 2. That the field and staff, commissioned and noncommissioned officers of the regiment hereinbefore authorized shall be as follows:

To each regiment of infantry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, one drum-major or leader in the band, and two principal musicians; and to each battalion of infantry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and one hospital steward; the regimental and battalion adjutants and quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions, respectively. To the regiment of cavalry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, and two chief buglers; and to each battalion of cavalry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, one saddler sergeant, and one veterinary-sergeant, the regimental adjutant and the regimental and battalion quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions, respectively. To the regiment of artillery, one colonel, one lieutenant-colonel, one major to every four batteries, one adjutant, one regimental quartermaster, and a commissary, to be taken from the lieutenants of the regiment; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two principal musicians, and one hospital steward; and the bands of the regular regiments shall consist of not more than twenty-four musicians for each regiment of infantry and artillery, and sixteen musicians for each regiment of mounted troops.

SEC. 3. That there shall be added to the Army of the United States the following general officers, namely: Four major-generals, with three aids-de-camp each, to be taken from captains or lieutenants of the Army, and six brigadier-generals, with two aids-de-camp each, to be taken from the lieutenants of the Army.

SEC. 4. That the officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing in every respect with those of corresponding grades and corps now in the regular service. The regimental bands will be paid as follows: One-fourth of each the pay and allowances of sergeants of engineer soldiers; one-fourth those of corporals of engineer soldiers, and one-half those of engineer soldiers of the first class. The drum-major or leader of the band the pay and emoluments of a second lieutenant of infantry. The saddler-sergeants, veterinary-sergeants, company quartermaster-sergeants, and drum-majors will receive the pay and allowances of sergeants of cavalry.

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[a] Callan's Military Laws of the United States, p. 471.

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The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

SEC. 5. That the term of enlistment made and to be made in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, in the Regular Army, including the force authorized by this act, shall be for the period of three years, and those to be made after January one, eighteen hundred and sixty-three, shall be for the term of five years, as at present authorized, and that the men enlisted in the regular forces after the first day of July, eighteen hundred and sixty-one, shall be entitled to the same bounties, in every respect, as those allowed or to be allowed to the men of the volunteer forces.

SEC. 6. That the increase of the military establishment created or authorized by this act is to be declared to be for service during the existing insurrection and rebellion; and within one year after the Constitutional authority of the Government of the United States shall be reestablished and organized resistance to such authority shall no longer exist, the military establishment may be reduced to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress.

SEC. 7. That the President of the United States shall cause regiments, battalions, and companies to be disbanded and officers, noncommissioned officers, musicians, and privates to be discharged, so as to reduce the military establishment as is provided by the preceding section: *Provided*, That all of the officers of the Regular Army who have been or may be detached, or assigned to duty for service in any other regiment or corps, shall resume their positions in the Regular Army, and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

SEC. 8. That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose who are appointed to said regiments from civil life, and officers of the Regular Army shall be detailed by the commanding general to such service in the volunteer regiments now in the field as will in his judgment give them the greatest military instruction and efficiency; and that the commanding general may, in his discretion, employ said officers with any part of the regular forces now in the fields, until the regiments authorized by this act have been fully recruited, and detail any of the officers now in the Regular Army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency.[a]

In cases of insurrection and rebellion another law, approved July 29, in addition to employing the land and naval forces of the United States, gave the President authority to call forth the militia of "any or all the States of the Union * * * to enforce the faithful execution of the laws of the United States, or to repress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed."

Instead of fixing the term of the militia at three months, they were to continue in service till discharged by proclamation of the President, provided that the term should not extend beyond sixty days after the commencement of the next regular session of Congress, unless otherwise expressly provided by law.

This and the three foregoing laws, whereby our military forces were made to consist of regulars, volunteers, and militia, referred chiefly to the line of the Army.

The next law looked to an increase of the staff. By the first section, act of August 3, the President was authorized to appoint an Assistant Secretary of War. The second section authorized him to appoint 5 assistant inspectors-general, with the rank of major; also 10 surgeons and 20 assistant surgeons, with the same rank and pay as officers of the same grade in the existing Medical Corps. The Inspector-General's Department under this and preceding laws consisted of 2 colonels and 5 majors.

The Medical Corps consisted of 1 Surgeon-General, 26 surgeons, and 100 assistant surgeons.

[a] Callan's Military Laws of the United States, pp. 473–476.

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The same section made the Adjutant-General's Department consist of 1 Adjutant-General, with the rank of brigadier-general; 2 assistant adjutants-general, with the rank of colonel of cavalry; 4 assistant adjutants-general, with the rank of major; 12 assistant adjutants-general, with the rank of captain.

The same section also added to the Commissary Department 4 commissaries, with the rank of major of cavalry and 8 with the rank of captain of cavalry, the latter to be taken from the line of the Volunteer or Regular Army. The Department as thus increased consisted of 1 Commissary-General of Subsistence, colonel; 1 Assistant Commissary-General of Subsistence, lieutenant-colonel; 6 commissaries of subsistence, majors; 16 commissaries of subsistence, captains.

The third section added 3 first and 3 second lieutenants to each of the Corps of Engineers and Topographical Engineers. It also added to the Quartermaster's Department 1 colonel, 2 lieutenant-colonels, 4 majors, and 20 captains, with the important provision that, in the judgment of the President, the number of master wagoners and wagoners (drivers) should be limited only by the exigencies of the service. As increased by the law, the officers of the Department consisted of 1 brigadier-general, Quartermaster-General; 3 colonels, assistant quartermasters-general; 4 lieutenant-colonels, deputy quartermasters-general; 11 majors, quartermasters;[a] 48 captains, quartermasters.

The same section also gave the Chief of Ordnance the rank of brigadier-general and added to the Department, 1 colonel, 1 lieutenant-colonel, and 6 second lieutenants, the vacancies to be filled by officers of the Army or graduates of the Military Academy. As thus organized, the Department consisted of 1 brigadier-general, 2 colonels, 2 lieutenant-colonels, 4 majors, 16 captains, 12 first lieutenants, 12 second lieutenants.

The fourth section added to the Corps of Engineers 3 companies of 150 noncommissioned officers and privates each, making in all 4 companies, the officers of which were to be detailed from the officers of the corps.

The fifth section added to the Medical Department a corps of medical cadets—students of medicine—enlisted for the term of one year.

The sixth section authorized female nurses to be employed in general and permanent hospitals, in place of soldiers, with a compensation of 40 cents and one ration per day.

The twelfth section merged the two regiments of dragoons, the regiment of mounted rifles, and two regiments of cavalry under a common denomination, to be known respectively as the First, Second, Third, Fourth, and Fifth Cavalry. These regiments had 10 companies each, the Sixth Cavalry, raised by the act of July 29, had 12 companies, organized in 3 battalions. The sixteenth and seventeenth sections continued the important provision authorizing the President, after an examination by a board, to place on a retired list any officers found "incapacitated for active service," the number of retired officers not to exceed 7 per cent of the whole number in the Army. The officers retired were granted the pay proper of their highest rank and 4 rations (30 cents each) per day. A special exception was made in favor of the venerable General in Chief, who in case of retirement was to be granted the full pay and allowances of the grade of Lieutenant-General.

[a] The 3 quartermasters in excess of the 8 contemplated in the organization of the Department, were promoted to the grade of major in virtue of a provision guaranteeing such advancement after twelve years' consecutive service as captain.

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The next act, that of August 5, related to the personal staff of general officers. In addition to those provided by the law of July 22, it authorized the President, on the recommendation of the Lieutenant-General commanding the Army of the United States, or any major-general of the Regular Army, to appoint such number of aids-de-camp, "to bear respectively the rank and authority of captains, majors, lieutenant-colonels, or colonels of the Regular Army," as in his opinion the exigencies of the service might require.[a]

Regular officers accepting such advancements, on being discharged were to resume their former positions, with the same rank and promotion as if they had remained with their regiments or corps.[b]

August 6, another act to "promote the efficiency of the Engineer and Topographical Engineer Corps" added to each, by regular promotion, 2 lieutenant-colonels and 4 majors.

The two corps, as thus increased, consisted of the following:

Corps of Engineers: One colonel, 4 lieutenant-colonels, 12 majors, 12 captains, 15 first lieutenants, 15 second lieutenants.

Topographical Engineers: One colonel, 3 lieutenant-colonels, 8 majors, 10 captains, 13 first lieutenants, 13 second lieutenants.

The second section added to the Topographical Engineers a company of soldiers, the officers to be detailed from the officers of the corps. The fourth section authorized the appointment of 2 additional inspectors-general, giving to the Department an organization of 4 colonels and 5 majors.

The fifth section prescribed:

> That so much of the first section of the act approved August 5, 1854, as authorizes the appointment of civilians to superintend the national armories be, and the same is hereby repealed, and that the superintendents of these armories shall be appointed hereafter from officers of the Ordnance Department.[c]

August 6, another act was approved organizing "an increase in the Corps of Engineers and Topographical Engineers," the three sections of which were identical with the first, second, and fourth sections of the act just described.[d]

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[a] Callan's Military Laws of the United States, p. 489.

[b] The bill for the appointment of additional aids-de-camp was reported in the Senate by Mr. Wilson, chairman of the Military Committee, on the 31st of July, and was passed without a division. When it was sought to limit the number, Mr. Wilson expressed the opinion that the discretion of the President would be an ample guaranty that no more would be appointed than the service required. August 1, the bill in the House was taken from the Speaker's table and passed without opposition. August 5, it received the President's approval.

[c] Callan's Military Laws of the United States, p. 489. The act to promote the efficiency of the Corps of Engineers and Topographical Engineers was reported in the House by Mr. Blair, chairman of the Military Committee, on the 5th of August and was passed without amendment. The same day it was taken up in the Senate, amended by the addition of the fifth section, passed the Senate, was returned to the House, received its concurrence, and the following day became a law.

Mr. Wilson, who moved the amendment in reference to management of armories, said "his sympathies and feelings were in favor of a civil superintendent, but his judgment was in favor of the amendment, which would place the armory in the care of an officer experienced in the fabrication of arms." (Frank Moore's Rebellion Record, vol. 10, p. 16.)

[d] The act was reported by Mr. Wilson in the Senate on the 2d of August, and passed on the 3d. On the 5th it was taken up in the House, amended by adding the section authorizing the appointment of two additional inspectors-general, was returned to the Senate, received its concurrence, and on the 6th received the President's signature. The two laws were construed as identical, and intended to allow but one increase to the three corps or departments designated.

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The last act, approved August 6, increased the pay of private soldiers of the Regular and Volunteer Army from $12 to $13 per month. The third section of this act reads as follows:

That all the acts, proclamations, and orders of the President of the United States after the 4th of March, 1861, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.[a]

This bill was introduced in the Senate on the 5th of August by Mr. Wilson, who moved the amendment to legalize the President's acts and proclamation. The unanimity with which the Senate concurred, was indicated by a vote of 37 yeas to 5 nays. In the House, all objections having been withdrawn, the bill was taken up and passed under a suspension of the rules, two-thirds voting in the affirmative.

The date of the last law shows that all the foregoing military legislation was discussed and enacted within the space of one month. For hard work and patriotic zeal, no Congress ever deserved in an equal degree the praise and gratitude of the nation. The wisdom of its measures, however, must be judged by their fruits.

DEFECTS OF THE MILITARY LEGISLATION IN 1861.

On the 3d of April, 1863, nearly two years after the fall of Fort Sumter, the Joint Committee on the Conduct of the War reported to Congress:

It needs but to refer to the history of the Congress just closed, its prompt and thorough action, clothing the Executive with the fullest power, placing at his disposal all the resources of men and money which this nation possessed, to prove that your committee judged rightly that Congress needed no prompting from them to do its entire duty.

Not upon those whose duty it was to provide the means necessary to put down the Rebellion, but upon those whose duty it was to rigthfully apply those means and the agents they employed for that purpose, rested the blame, if any, that the hopes of the nation have not been realized, and its expectations have been so long disappointed.[b]

The surviving officers and soldiers of our armies, many of whom participated in the battle of Bull Run, will not for a moment deny that through the inexperience of themselves and their commanders the war for the Union was prolonged.[c]

But when all of their mistakes are summed up and their deficiencies considered, it will still be found that the underlying causes were

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[a] Callan's Military Laws of the United States, sec. 3, p. 490.

[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 4.

[c] Apparently the best opportunity ever presented to the Army of the Potomac to strike its adversary a fatal blow was in December, 1861. On the 10th of this month the aggregate present was 185,000 men. (Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 69, 70.)

The Confederates near Centreville, at little more than one day's march, numbered, according to their commander, less than 50,000 effectives. (Johnston's Narrative of Military Operations, p. 84.)

But had the Confederate Army, which, through short enlistments, was rapidly hastening to its dissolution, been totally defeated, it cannot be affirmed that such a reverse would have terminated the war. Its probable effect would have been to hasten the passage of the law of conscription by three or four months, thereby giving to the Confederacy at the opening of the spring campaign an army far superior in numbers and discipline to the one which actually confronted the Army of the Potomac when it drew near the Confederate capital.

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inherent in a military system which was the creature of law. The committee, however, took the opposite view. It confidently stated that in voting men and money, Congress had discharged its whole duty. Whatever disasters might afterwards ensue, the blame should not be located on the representatives of the people, but upon the citizen soldiers sent to the field to fight their country's battles. As it is manifest that no improvement in our military policy can be made, so long as Congress shall cherish this fatal delusion, it becomes all the more important to subject the military legislation of 1861 to a searching analysis. Nor should any lover of his country be indifferent to the result. We speak of the people as sovereign, which, with qualifications, is true. They elect the members of the House of Representatives, and their agents, the legislatures of the States, elect the members of the Senate, but when the two Houses are in Congress assembled, the Constitution proclaims that with them, and not with the people, is vested the supreme power to raise and support armies.

By the action of Congress the people are therefore bound to abide. If its military legislation be wise, peace may speedily ensue; if unwise, for every mistake the people must yield their blood and treasure.

In 1792 Congress organized the militia and declared in favor of obligatory military service, on the theory that the militia were the bulwark of the nation. Subsequently Indian difficulties and armed conflicts with two foreign nations compelled it to raise and support a regular army. Both of these organizations in 1861 it summarily rejected. Instead of expanding the Regular Army, and making it the chief instrument in executing the national will, it violated the practice of every civilized nation by calling into existence an army of a million untrained officers and men. But it may be replied that far from rejecting the Army, Congress, on the contrary, tripled its strength by increasing its organization from 13,024 to 39,273. [a]

This increase was a mere expansion on paper. Give men a choice between regulars, volunteers, and militia, and they will invariably select the organization whose laxity of discipline is greatest. The Rebellion gave another proof of this truth. By January 1, 1863, the Army attained a maximum of only 25,436, which was less than 3 per cent of the total force then in the field. [b]

Yet this feeble proportion gives an exaggerated idea of the part the Army was to play in the great struggle for the preservation of the Union. We shall find on further investigation that the total number of men recruited for the Army, even after a resort to conscription, was less than three-thousandths, one-third of 1 per cent of the millions who poured forth in new and untried organizations. [c]

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[a] The figure 13,024 represents the organization of the Army on the supposition that all of its companies were east of the Mississippi. Had all of them been west of the Mississippi beyond the reach of the Government, the law of 1850 would have permitted an aggregate of 18,666. On the 1st of January, 1862, 69 of the 198 companies of the old army were stationed or en route to stations on the Western frontier. (Army Register, 1861, p. 41; also Army Register, 1862, p. 81.)

[b] Final report of the Provost-Marshal-General, p. 102.

[c] Such was the depletion of the Army in the spring of 1862 that the artillery could only be kept in serviceable condition by transfers from the volunteer infantry. From this time to the end of the war, the regular batteries which served as a model for the volunteer artillery, were scarcely more than volunteer batteries, commanded by regular officers. The alacrity with which men once in the field volunteered for the regular artillery—transfers to the cavalry would have been equally popular—will be used further on, as an argument for the recruitment of these two arms of service in future wars.

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This disappearance of the Regular Army as a factor was due to the mistaken confidence of Congress in the system of voluntary enlistments. The Revolution and the War of 1812 had made it evident that being the chief cause of national weakness they could not be relied upon in a long war. The two wars further conclusively proved that the patriotism of the people should not be judged by the sole test of their willingness to serve in the ranks. Bounties, however objectionable and demoralizing, are evidences of patriotism and may be accepted as a guaranty that under any economic military system recruits will never be wanting. But there was no element of economy in the system of 1861. The male population of the loyal States, as ascertained by the census a year previous, was 10,795,422. The first sections of the laws of July 22 and 25 sanctioned an immediate call for 1,000,000 men, or nearly one-tenth of the entire male population. No greater demand was ever made on the patriotism of a people. Yet, when two years later an enrollment preparatory to a draft disclosed that there were 2,254,063 men liable to conscription (not including the armies in the field), the amazing fact was also discovered that without compulsion 1,356,593 citizens had already assumed the character of soldiers.

It should not, therefore, surprise us that under a system so improvident, voluntary enlistments finally proved a failure. The enormous demands for men are easily accounted for. The laws, like those at the beginning of each previous war, encouraged short enlistments by giving the President the power to call out volunteers for any term of service from six months to three years. The number of men furnished was to be equalized among the States according to population. The men having been organized into regiments, no provision was made for their recruitment; there were no regimental depots, no assignments of regiments to Congressional districts, no requirement that any regiment raised in any State or district should be kept full by voluntary enlistment or draft. There was but one method to prevent depletion, and that the one which, since the siege of Boston, had always proved ineffective—detaching recruiting parties from the field.

The above defects of legislation, with all the tendencies to protract the war, are to be found in the first sections of the two laws approved by the President within four days after the battle of Bull Run.

The next defects should be sought for under the head of organization. In every military system which has triumphed in modern war the officers have been recognized as the brain of the army, and to prepare them for their trust, governments have spared no pains to give them special education and training. Generals have not been left to acquire a knowledge of their profession on the field of maneuver in time of peace; they have been granted all the advantages of war academies, where they and the members of their staffs have been taught in their minutest details all the principles of the military art.[a]

The two laws of 1861 authorized the President to appoint for the command of the million of volunteers such a number of major and brigadier-generals as, in his judgment, their organization might require. The only recognition of the value of military education to be found in our volunteer system was contained in the fourth section of the law authorizing the first half million; this section gave the President power to appoint 6 major-generals and 18 brigadier-generals,

[a] At the beginning of the Austria-Prussian war every general in the Prussian army was a graduate of the War Academy of Berlin.

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with the provision that these general officers might be selected from the line or staff of the Regular Army.

The latter part of the same section gave to the governors of States the right to appoint all the regimental, staff, and company officers, with the proviso that when State authorities should refuse to furnish volunteers the officers of such as might offer their services should be commissioned by the President.

It will thus be seen that, as by the first sections of the two laws the President might have ruined our cause by calling out men by the million or half million for the term of six or twelve months, so, by the fourth section, he and the governors together were given the power to send our vast armies into the field without a single officer of military education and experience to lead them. In no monarchy or despotism of the Old World do the laws give to the ruler such power to do evil.

But the fourth section of the first law was prolific of other causes for protracting the war; it was based on the theory of confederation; the troops were to be State, and not national, and as a consequence, the officers were to be commissioned by the governors and not by the President. Such a system could not but be fatal to the hope of promotion, which in all countries and ages, has been one of the most powerful incentives to valor. Officers and soldiers might fight and die for their country, but with the exception of a medal or an empty brevet, they could expect no reward save from the governors of their States.

The policy of giving governors the authority to commission the officers, may have been suggested by the belief that this bestowal of patronage was essential to the speedy organization of the troops; but there are strong indications that it was dictated by mistaken ideas in reference to States rights. Many of the Senators and Representatives held that the volunteers were militia, or State troops, whose officers under the Constitution could only be appointed by the Executive of their States.[a]

This presumption is strengthened by the following resolution, which was passed July 27:

> That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.[b]

This resolution was based on a similar one approved the 3d of March, 1847, with this difference, that the expression "transporting volunteers previous to their being mustered and received into the service of the United States during the present (Mexican) war," when compared with the expression "transporting its troops employed in aiding to

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[a] Under the most recent legislation affecting the organization of volunteer regiments (act of Congress approved January 21, 1903), it is prescribed that all volunteer forces of the United States, called for by authority of Congress, shall be organized in the manner prescribed by the act of Congress approved April 22, 1898. Under the later act all regimental and company officers, are appointed by the governors of States.

Thus, under existing laws, the system of appointing officers of volunteers, so severely denounced by the author, is still a part of our military system.—EDITORS.

[b] Callan's Military Laws of the United States, sec. 3, p. 472.

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suppress the present insurrection against the United States," would seem to indicate, that in one case Congress considered the volunteers United States troops, whereas, in the other, it regarded them as "State troops" in the service of the United States.

But the resolution must not be looked upon simply in its relation to States rights; it will be observed that it sanctioned all of the extravagance of the military system under the Confederation, by permitting each State to send, subsist, clothe, supply, arm, equip, and transport its troops, the bills to be made out by the agents of the States and paid by the United States. This irresponsible system was abandoned the moment volunteering gave place to the draft. The provision in the fifth section of the first law that the noncommissioned officers and privates should furnish their own horses and equipments, receiving for the use thereof 40 cents per day, was soon found to be both impracticable and extravagant and was therefore abandoned.

The tenth section incorporated the worst vice known in the military system of any of the States. Ignoring the value of discipline, it tempted every ambitious officer and soldier to play the demagogue, by prescribing that field officers should be elected by company officers, the latter in turn to be elected by the men. The taxpayers were the first to remonstrate against the folly of this principle. In a memorial to the President, published in the morning papers August 1, 1861, the "property holders of New York" complain: "That a suitable supervision has not been extended by Government to the officering of the volunteer forces; that the principle of allowing companies to choose their own officers, or officers their own colonels, is fatal to military discipline; that political, local, and personal interests have had far too much sway in the selection of officers; that undue laxity prevails in the control of volunteer officers by their military superiors, and that an ill-grounded apprehension of local or political censure has prevented the proper authorities from removing incompetent commanders and from placing in responsible military positions those most capable of filling them without regard to anything but their qualifications," etc.[a]

A practice so repugnant to reason could not long survive. Accordingly on the 5th of August when the bill to promote the efficiency of the Engineer and Topographical Engineer Corps came up in the Senate, Mr. Wilson proposed:

> That vacancies hereafter occurring among the commissioned officers of the vo unteer regiments shall be filled by the governors of the States, respectively, in the same manner as original appointments, and so much of the tenth section of the act approved July 22, 1861, as is inconsistent herewith, be, and the same is, hereby repealed.[b]

The amendment was adopted by both houses as section 3 of the above act, which was approved the next day, not, however, until more than a quarter of a million men had been accepted, either under the President's proclamation or the organic acts of July 22 and 25.

It must not be inferred that Congress was unmindful of the kind of officers such a system would produce, for, as has been seen, the same section which sanctioned election gave to every general commanding a separate department or a detached army, authority to appoint military boards or commissions to examine the "capacity, qualifications, propriety of conduct, and efficiency of any officer of volunteers" reported deficient in the above particulars.

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[a] Swinton's The Army of the Potomac, p. 63.
[b] Callan's Military Laws of the United States, sec. 3, p. 488.

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If the report of the board was adverse, its approval by the President vacated the officer's commission. Under the operations of this provision 310 officers were dismissed or their resignations accepted within eight months.

Without dwelling further upon the organic acts of July 22 and 25, the magnitude of whose defects can only be appreciated by results yet to be stated, let us pass on to the act of July 29, increasing the Regular Army. Adopting the decision of the Secretary of the Treasury, each regiment of infantry and cavalry was organized into not more than three battalions, but with no provision for regimental depots or territorial recruitment. Economy was also sought to be practiced by prescribing that all the adjutants and quartermasters should be detailed from the subalterns of their respective regiments or battalions. In this manner, by legislative enactment, eight companies in each regiment, before going into battle, were shorn of one-third of their commissioned officers. Fortunately, this evil of detached service was not inflicted upon the regiments of volunteers whose adjutants and quartermasters were extra lieutenants.

It having proved impracticable to recruit the regular regiments, particularly the infantry, in competition with the volunteers, the section of the above law, worthy of the closest attention, was the last or the eighth. In recognition of the value of professional training, it prescribed that the recruitment of the new regular regiments should be conducted by the officers appointed from civil life, and that pending the recruitment the officers appointed from the Regular Army should be detailed by the commanding general to such service in the volunteer regiments then in the field as, in his judgment, might give to them the greatest military instruction and efficiency, or be employed with any part of the regular forces also in the field.

The last and most important clause of the section gave the commanding general authority to detail any officers of the Regular Army for service with the volunteers with such work as might be offered in volunteer regiments, again repeating the phrase "for the purpose of imparting to them military instruction and efficiency."

At the time Congress indicated the desire that trained officers should be employed in positions of the greatest usefulness, it had at its disposal more than 600 captains and lieutenants who would have made able and efficient colonels. Yet by giving to governors the authority to appoint officers, without reserving to the President the right to designate at least one field officer in each regiment, Congress not only thwarted its own intentions, but needlessly jeopardized the national success. It can not be claimed that the surrender of this enormous power into the hands of the governors was essential to the preservation of the Union.

Individuals everywhere in the loyal States tendered directly to the President companies, battalions, regiments, and even brigades in such numbers that the War Department, up to the present time, has not been able to compute them. The mistake, however, was irretrievable. It mattered not that within two years all schemes for recruiting, based on the distribution of new commissions, might prove so many failures. The right to appoint officers, which in the Navy has always been vested in the President, had been given to the States and was continued to them to the end of the war.

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SUCCESS OF THE DEPARTMENTS OF SUPPLY.

While our military legislation relating to the line deprived the Government of all right to appoint trained leaders to the regiments of the Volunteer Army, the great departments of supply, on the contrary, were placed wholly under the supervision and control of regular officers. This was accomplished by the simple process of increasing the quartermaster and commissary departments by the addition of volunteer officers commissioned by the President. There was no sudden expansion; with each new brigade each supply department was increased by a captain who could look for instruction to chief quartermasters, chief commissaries, or depot commissaries, who, at the beginning of the war, were exclusively selected from the Army.

Requiring no other qualifications than integrity and business capacity, three or four months sufficed to qualify the brigade and division quartermasters and commissaries for the discharge of their duties. The system as applied to the Medical Department could scarcely be improved. The field duties of the Ordnance Department were performed mostly by officers detailed from the volunteers, while the law of August 6, placed every armory under the superintendence of a regular officer of the department.

It is scarcely worthy of remark that the duty of purchasing clothing and forage, issuing rations, drawing and distributing arms and ammunition, required no technical military knowledge. If a contrary opinion be expressed, we need but refer to the organization of the Quartermaster's Department in 1864.

The regular department then consisted of 1 general, 3 colonels, 4 lieutenant-colonels, 11 majors, 46 captains, 12 storekeepers; total, 77.[a]

These officers, several of whom were given higher rank as colonels and aids-de-camp, were mostly employed as chief quartermasters of armies and departments or in charge of the purchasing depots located in the great cities of the Union.

The volunteer department consisted of 465 captains.[b]

It will be seen by a comparison of the strength of the regular and volunteer departments, the latter being a mere expansion of the former, that nearly all of the field duty of the department was performed by officers appointed directly from civil life.[c]

ADJUTANT-GENERAL'S DEPARTMENT.

But while success in the supply departments did not demand previous military education, the same reasoning should not be applied to the Adjutant-General's Department, whose officers in peace and war should possess a thorough knowledge of the military art. Unfortunately, our Government has never deemed such acquirements necessary, neither have the officers of the Department thus far sought to rise above the mere drudgery of official routine.

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[a] Army Register, 1864, p. 5.

[b] Army Register, 1864, pp. 74, 75.

[c] The success of the supply departments as compared with their failure in the War of 1812, was not wholly due to their supervision by regular officers. In the latter war our armies were, to a great extent, fed and supplied by irresponsible and unscrupulous contractors. Long before the Rebellion this system was abandoned, the supplies may still have been purchased by contract, but they were inspected by regular officers, collected in depots, and thence distributed to the Army.

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To issue orders, write letters, examine returns, grant furloughs, such is the conception in our service of the duty of an Adjutant-General.

We often ridicule the apparent stupidity of foreign governments in placing members of the nobility in command of corps and armies, forgetting that if the commanders so selected have not been carefully educated the government takes special pains to place at their side chiefs of staff able to perform all the duties of a General in Chief. These chiefs of staff, together with all the officers subordinate to them in their own departments, have had the benefit of careful instruction at war academies especially designed for their education. Learning there all the principles of strategy and grand tactics and the importance of a knowledge of military geography, studying the theory of moving and directing troops in battle, impressed with the idea that their value as staff officers depends upon the assistance they can give to their generals in planning campaigns and fighting battles, they look with contempt upon any official occupation which may tend to degrade them to the position of a clerk. They therefore turn over the multitude of details relating to the proper work of the Army to aids-de-camp, or officers detailed for this purpose.

If we now glance at the operation of our military laws, it will be seen that the President could have appointed all of our commanders from civil life and surrounded them by staff officers without any military acquirements whatever. Four of the five major-generals of volunteers appointed up to the 18th of September, 1861, were selected from civil life. Among the brigadier-generals appointed up to the same date the ratio was changed—47 were in the Regular Army, or had formerly held regular commissions, while 24 were from civil life. The Army Register of 1864 shows that of the 70 major-generals of volunteers, 46 had had previous military education or training, while 24 were appointed from civil life.

Among the brigadiers, 99 had had previous military training, while 171 were appointed from civil life.

The possibility that so many generals might rise through the slow and expensive school of war to high and responsible commands, should have suggested, more than in any foreign system, the necessity of providing competent staff officers to assist them.

The organization of the Adjutant-General's Department in 1864 shows how far the Government ignored such a policy.

The regular adjutants-general consisted of 1 brigadier-general, 2 colonels, 4 lieutenant-colonels, 13 majors; a total of 20; while the volunteer adjutants-general consisted of 60 majors, 249 captains; a total of 309.[a]

In the campaign of 1864 but 12 of the regular adjutants-general performed their appropriate duties in the field. Of the 30 majors and captains of volunteers, but one in each grade had, before the war, received the benefit of a military education.

By way of contrast, the success of the Medical Department may easily be explained. Early in the war, many of the medical directors and surgeons in charge of permanent hospitals were officers of the regular department.

In the field the surgery for which our Army was famous, was performed by regular surgeons and by staff and regimental surgeons and

[a] Army Register, 1864.

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assistant surgeons of volunteers. The staff surgeons and assistant surgeons were appointed only after a thorough medical examination. The inefficient and incompetent medical officers belonging to regiments, were weeded out by examining boards appointed for that purpose. In the hasty legislation relating to the line and staff of the Regular and Volunteer Army, it will be observed that the Pay Department was omitted and the question may naturally be asked—why? The answer is, that this was the only department which, through the wisdom of a previous Congress, did not require a law for its expansion. The twenty-fifth section of the act of July 5, 1838, authorized the President whenever volunteers or regulars should be called into the service of the United States to appoint additional paymasters at the rate of one to every two regiments, the paymasters to remain in service only so long as needed to pay the new troops. The number of additional paymasters in the service in 1864 was 319.[a]

The successful application of this law during the Mexican War and the Rebellion, should suggest to our statesmen the feasibility of adopting a military organization adapted alike to the requirements of peace and war.

INFLUENCE OF STATES RIGHTS ON OUR MILITARY LEGISLATION AT THE BEGINNING OF THE REBELLION.

Allusion has already been made to Mr. Chase's refusal to prosecute the war by means of an expanded Regular Army. This refusal may have been due to State pride, but on December 4, 1861, a bill was introduced in the Senate, the fate of which demonstrated that the opposition to a Regular Army, whether provisional or permanent, had its root in the confusion of ideas relating to States rights.

The object of the bill as stated in the title was "To abolish the distinction now existing between the regular and volunteer forces of the United States."

The first section prescribed that all the officers, noncommissioned officers, and privates of volunteers, then in the service, or who might enter thereafter, should have all "the rights, privileges, and benefits" of officers, noncommissioned officers and privates of the Regular Army, and that thereafter they should be considered "a part of the Regular Army of the United States."

The second, third, and fourth sections prescribed that the regiments of infantry, cavalry, and artillery, should be numbered such regiment, United States infantry, artillery, or cavalry, the oldest volunteer regiment taking the designation next above the highest regiment numerically, in the corresponding arm in the existing army.

The fifth section prescribed that all future promotions should be made without regard to whether the vacancy was in an old or new regiment.

The sixth section prescribed that for all purposes of rank commissions given by the governors of States should be considered the same as if given by the President.

The seventh section prescribed that all future vacancies should be filled by the President in accordance with existing laws.

Under the volunteer system as inaugurated, it will be remembered that the appointment of all general and staff officers of volunteers

[a] Army Register, 1864, p. 83–86.

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(regimental staff officers not included), was vested in the President. The effect of the law now proposed would have been to extend the President's power to every commissioned officer in the service, his action in every case being subject to the advice and consent of the Senate. The bill which was introduced by Mr. Wilkinson was referred to the Committee on Military Affairs and the Militia, and by it was returned to the Senate on the 17th of December, accompanied by an adverse report.

The views of the Military Committee, in relation to the constitutionality of the bill, are presented in the following extracts from its report:

No fact is more clearly deducible from the Constitution than this, that there should always exist in the country two different and distinct classes of military organization; the one, a permanent organization, to be raised, supported, armed, and disciplined by, and to belong to and represent, the whole Union, as a Federal army; the other, a temporary organization, to be raised by the respective States whenever the exigencies of public danger in the obstruction of the laws, the raising of insurrections, the fact of invasion should necessitate the use of a larger force than that possessed by the Federal Government, to be called into being only upon extraordinary occasions, to preserve their distinct character as volunteers or militiamen during the term of their service, and to be disbanded again when the occasion which called them forth had passed away.

The absolute and continually existing necessity of an army to maintain the power and dignity of the nation; the constitutional prohibition that "no State shall, without the consent of Congress, keep troops," and the express authority granted by the Constitution to Congress "to raise and support armies" are all confirmatory beyond question of the right, power, and duty of the Government to maintain a regular standing army as a Federal establishment; while the clause of the Constitution which provides for "calling forth the militia" and for their arming, discipline, and governance by Congress, in "reserving to the States, respectively, the appointment of the officers and the authority of training" them while "employed in the service of the United States," mark the latter a fundamentally separate and distinct organization and one which cannot under the Constitution be amalgamated with and made a part of the Regular Army.

The committee therefore are of the opinion that, as the volunteers were recruited under State authority and constitute a part of the militia system of the country, the clause of the bill which provides that the "officers, noncommissioned officers, musicians, and privates of volunteers shall form and hereafter be considered a part of the Regular Army of the United States," is in violation of the Constitution and cannot become law.[a]

As the committee admitted that Congress has the supreme right to "raise and support armies;" furthermore, as all the volunteers, except those first called out by the President, were raised by the Government of the United States, exclusively under the authority granted in the two laws of July 22 and 25, it is difficult to see how, by any process of reasoning, the volunteers could be considered as "recruited under States authority," and therefore as constituting "a part of the militia system of the country."

If the views of the committee are correct, then the use of the volunteers in the Mexican War was unconstitutional; if volunteers were militia, then every man ordered into Mexico had a right to halt at the Rio Grande, or to refuse to disembark at Vera Cruz. But without any fixed policy the action of Congress from time to time has been directly contrary to the views of the committee. When war was imminent with France, after authorizing a provisional army of 10,000 men, the President, by the third section of the act of May 28, 1798, was to accept any number of companies of volunteers and to appoint their commissioned officers. The same authority was specially con-

[a] Frank Moore's Rebellion Record, vol. 11, p. 119, Doc. 18.

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ferred by the act of July 6, 1812, and was again repeated during the Mexican war. These instances, to which others might be added, establish the fact that the practice of Congress has not conformed to the views of the committee. Nevertheless, as its rights are still questioned, wisdom suggests they be definitely settled before the enemies of the country again surround the National capital.

If, under the same power, Congress has not the right to raise an army of volunteers, independent of the States, then for the future, volunteers only can be employed "to execute the laws of the Union, suppress insurrections, and repel invasions." If, under the power to "raise and support armies," Congress cannot officer an army of volunteers, then its action in authorizing the President to commission the general and staff officers of volunteers, and also to appoint officers in regiments belonging to States whose governors were disloyal, was also unconstitutional.[a]

TROOPS EMPLOYED IN 1861.

The mistaken economy which in time of peace discourages preparations for war became apparent before the close of the year 1861.

With no military operations encouraging the hope of a speedy suppression of the rebellion, statistics show that the total number of men obtained in 1861 was:

Under call of April 15, for 75,000 militia	93,326
Under call of May 3, and the laws of July 22 and 25, regulars, volunteers, and seamen	714,231
Total	[b]807,557

Of the whole number of men obtained under these calls there were in the field on the 1st of January, 1862:

Regulars	22,425
Volunteers	553,492
Aggregate	[c]575,917

If to this number be added the 93,326 militia, the total number of troops under pay at different times during the year 1861 amounts to 668,545.[d]

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[a] This question should not be dismissed without further reflection, for on its solution may yet depend the fate of the Union. It has already been stated that for want of a compulsory system of recruitment, the number of men who served in the Regular Army dwindled to but one-third of 1 per cent of the total number of troops who were called to the national defense of the nation.

To say that in bringing about this result the intelligent men composing Congress were actuated by a morbid fear of standing armies, would be a judgment no less ridiculous than insulting.

The cause of their action lies deeper. It now turns out that they did not fully comprehend the theory of our Government; they did not realize that adherence to principles sanctioned by the Articles of Confederation, but rejected by the Fathers, amounted to heresy under the Constitution.

They did not, nor did their successors during the war, rise to a full conception of its powers to "raise and support armies," but, suffering themselves to be entangled or restrained by views wholly false or fallacious, they adopted a middle or volunteer system, which from the first proved a bloody and disastrous compromise between so-called "State sovereignty" on the one hand and national unity on the other.

[b] Report of Provost-Marshal-General, vol. 1, p. 160.

[c] Report of Provost-Marshal-General, vol. 1, p. 102.

[d] At this time the two laws of July 22 and 25 were still construed as sanctioning but 500,000 men. See report of Provost-Marshal-General, vol. 1, p. 160.

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The troops obtained under the foregoing calls were organized as follows:

Militia.	Regiments.	Battalions.	Independent companies or batteries.
Infantry	104	1	17
Cavalry			2
Artillery (light)			11
Calls of May 3 and acts of July 22 and 25.			
Infantry	560		42
Cavalry	82	3	28
Artillery:			
Light	6	3	129
Heavy	9		3
Total	761	7	232

Exclusive of the militia, the infantry of the Army of 1861 exceeded by 93 battalions the infantry of the field army of Germany on a war footing, while the total force, regulars, volunteers, and militia, exceeded the total field army of Germany by 119,963 men. But, unlike the army of Germany, there were no reserves, depot, or garrison troops to supply the casualties of battle or repair the ravages of disease.

The consequences of these defects of military legislation did not become apparent till the year 1862.

EXPENDITURES FOR THE YEAR 1861.

The expenditure for the War Department for the fiscal year 1860–61, was $22,981,150.44, showing a decrease as compared with the years 1858 and 1859.[a]

The expenditures for the next year, 1862, show the cost of maintaining a vast army in a state of preparation for a period of nearly eight months.

The appropriations for the Regular Army for the year were so meagre that on February 25, 1862, additional appropriations for our military forces were made aggregating $208,392,488.77.

As a commentary on our economy in peace these appropriations under the principal headings were as follows:

Pay of two and three years' volunteers	$50,000,000.00
Subsistence for the same	26,668,902.00
Transportation of Army and its supplies	14,881,000.00
Clothing and camp equipage	12,173,546.77
Regular supplies and Quartermaster's Department	76,500,000.00
Ordnance and ordnance stores	1,924,000.00
Purchase of arms and ordnance stores	7,500.00
Medical and Hospital Department	1,000,000.00
Reimbursement of States for expenses incurred on account of volunteers	15,000,000.00

This appropriation was supplemented by another on the 14th of May, 1862, for additional pay to volunteers amounting to $30,000,000.

These were not the only appropriations on account of the War Department during the year 1862, the total expenditures of which aggregated $389,173,562.29.[a]

[a] The expenditures for the fiscal year 1857–58, amounted to $25,485,383.60, and for the fiscal year 1858–59, $23,243,822.38.

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As our inability to promptly subdue the Rebellion was due to faults in our military system, to the above should be added the increased expenditure of the Navy in 1862, which amounted to $30,253,197.75, making a total war expenditure of $419,426,760.04.[a]

Such a sum mostly expended before our armies were in condition to strike effective blows foreshadowed a national debt from which a century of taxation will scarcely relieve us.

[a] Report of Secretary of the Treasury, 1877, p. 14.

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CHAPTER XIX.

CAMPAIGN OF 1862.

The military operations of the year, both in the East and the West, may be divided into three distinct periods. In the first our armies took the offensive, in the second the defensive, and in the third they again resumed the offensive.

FIRST PERIOD.

In the East during the latter part of March, the Army of the Potomac, commanded by General McClellan, transferred its base from Washington to Fort Monroe; advanced up the peninsula on the 4th of April; engaged in the siege of Yorktown from April 5 to May 4; fought the battle of Williamsburg May 5, West Point May 7, Hanover Court House May 27, and Seven Pines or Fair Oaks May 31 and June 1.

The only other battle in the East was that of Winchester, fought by General Shields, on the 23d of March. In all these battles the Union troops were victorious. The general position of the enemy at the beginning of this period was with his right near Aquia Creek, blockading the Potomac; his center at Manassas, and his left in the Shenandoah Valley. He was also in possession of Norfolk, whence on the 8th of March the Confederate ironclad *Merrimac* proceeded to Hampton Roads and sank the sloop-of-war *Cumberland* and frigate *Congress*. The next day she resumed the attack, but, defeated by the *Monitor*, was compelled to return to Norfolk. The position of the enemy at the end of the period was with his main army around Richmond, his left under Stonewall Jackson, in the Shenandoah Valley, both forces being under the command of Gen. Joseph E. Johnston.

The position of the Union troops at the close of the first period was as follows:

June 1, the Army of the Potomac, about 100,000, present for duty, on both banks of the Chickahominy, within 6 miles of Richmond; May 26, General McDowell, commanding Department of the Rappahannock, with 41,000 men at Fredericksburg, his advance but 15 miles from the right of the Army of the Potomac; May 24, General Banks, commanding Department of the Shenandoah, with 6,000 men at Strasburg; Major-General Fremont, commanding the Mountain Department, with 15,000 men at Franklin, W. Va., one brigade within 10 miles of Staunton; General Wool at Fort Monroe and Norfolk with 10,000. Besides troops in Virginia, General Burnside was in North Carolina with an expedition of 11,500 men; General Thomas W. Sherman, with another expedition fitted out in the previous November, was in South Carolina.

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In Virginia our military forces, including those in the defenses of Washington, were under six independent commanders, whose movements could only be combined by the personal supervision and orders of the President. The lines of operations of the Army of the Potomac and of the troops in the Department of the Rappahannock converged upon Richmond. Those of the Mountain Department and the Department of the Shenandoah converged upon Staunton. Traversed by mountains and rivers, the front of operation of these six separate forces, extending from Norfolk up the Chickahominy to near Richmond, thence on to Fredericksburg, Washington, Strasburg, and Franklin, exceeded 250 miles.

Leaving our forces thus exposed to being attacked and beaten in detail, let us turn our attention to the West. At the beginning of the year Major-General Halleck was in command of the Department of the Missouri, the eastern limit of which was the Cumberland River. The part of Kentucky east of the Cumberland was occupied by the Army of the Ohio, commanded by Major-General Buell.

The enemy's front of operations or line of defense extended from Bowling Green on the right to Columbus on the left, a distance of 175 miles. His center was at Forts Henry and Donelson, the former on the Tennessee and the latter on the Cumberland River. The military operations of the year opened with the victory of Mill Spring, Ky., gained by General Thomas on the 19th of January. Under direction of General Halleck, General Grant moved from Cairo up the Tennessee River, and on the 6th of February, in cooperation with the Navy, captured Fort Henry. Crossing over the peninsula, he appeared on the 12th before Fort Donelson, and on the 16th received the surrender. The Union loss was 446 killed, 1,735 wounded, and 150 missing.[a] The Confederate loss was 231 killed, 1,007 wounded,[b] and 13,829 prisoners,[c] besides 65 guns and 17,600 small arms. The Confederate army at the beginning of the siege was estimated at 21,123 men, of whom 4,000 escaped; the Union troops began the investment with 15,000 men, but were reenforced before the surrender to 27,000.[d]

Never was the value of professional training more conspicuously illustrated than in the conception and execution of the Fort Donelson campaign. General Sherman, who was at St. Louis, Mo., during the winter of 1861–62, under the command of General Halleck, relates:

> I remember one night sitting in his room on the second floor of the Planter's House with him and General Cullum, his chief of staff, talking of things generally, and the subject then was of the much talked of "advance" as soon as the season would permit. Most people urged the movement down the Mississippi River; but Generals Polk and Pillow had a large rebel force, with heavy guns, in a very strong position, at Columbus, Kentucky, about 18 miles below Cairo. Commodore Foote had his gunboat fleet at Cairo, and Gen. U. S. Grant, who commanded the district, was collecting a large force at Paducah, Cairo, and Birds Point. General Halleck had a "map" on his table, with a large pencil in his hand, and asked, "Where is the rebel line?" Cullum drew the pencil through Bowling Green, Forts Donelson and Henry, and Columbus, Kentucky. "That is their line," said Halleck; "now, where is the proper place to break it?" And either Cullum or I said, "Naturally the center." Halleck drew a line perpendicularly to the other, near its middle, and it coincided nearly with the general course of the Tennessee River, and he said, "That's

[a] Medical and Surgical History of the War the Rebellion, pt. 1, Chronological Summary of Engagements and Battles, p. lxi.

[b] Same.

[c] Rations were issued at Cairo to 14,623 prisoners.

[d] Badeau's Military History of Ulysses S. Grant, vol. 1, p. 51.

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the true line of operations." This occurred more than a month before General Grant began the movement, and as he was subject to General Halleck's orders I have always given Halleck the full credit for that movement, which was skillful, successful, and extremely rich in military results; indeed it was the first real success on our side in the civil war.[a]

As the regular officers may be said to have planned the campaign, so in the army which executed it were three officers, and only three—General Grant, General C. F. Smith, and Lieutenant-Colonel McPherson—who at the time held, or had previously held, commissions in the Regular Army. The former, when the battle of the 15th began, was holding a consultation with the wounded Commodore Foote on board his gunboat on the Cumberland River. Going ashore and riding rapidly from the extreme left to the right of his line, he arrived after a severe engagement, only to find his troops in great confusion and disorder and their ammunition nearly expended. The enemy, whose well-filled haversacks indicated a design to cut his way out, had ceased to attack. Judging, with the intuition of a great commander, that the Confederates had massed on their left and that their failure to renew the battle denoted a demoralization as great as that among his own troops, the Union general instantly resolved to take the offensive, and ordered his left to lead the attack. In executing this order General Smith, who commanded the left wing, performed alike the duties of a division and a regimental commander.

To insure success and spare the lives of his men, he first posted in front of the embrasures of the enemy's guns, sharpshooters, whose fire was so effective that scarcely a piece could be discharged. He next formed the leading regiment, the Second Iowa, in two lines, and, placing himself between them, marched triumphantly to the assault. The struggle was soon over. The night of the 15th closed with the Union troops in possession of the key to Fort Donelson, and next morning the enemy surrendered.

The strategical effect of this victory was the immediate evacuation by the Confederates of Missouri, Kentucky, and nearly all of Tennessee.[b] West of the Mississippi, General Curtis, on the 11th of February, advanced into Arkansas from Lebanon, Mo., with a force of 10,500 men; March 7 and 8, being attacked, he defeated, at Pea Ridge, Arkansas, the combined forces of Van Dorn and McCullough, numbering not less than 20,000 men. The Union loss was 1,175 killed and wounded and 174 missing.[c] The Confederate loss was estimated

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[a] Sherman's Memoirs, vol. 1, pp. 219, 220.

In all great enterprises, whether civil or military, chance diminishes in proportion to the skill of the agents selected to conduct them.

General Buell, another professional soldier, as early as the 3d of January, 1862, wrote to General Halleck at St. Louis that the probable force of the enemy was 40,000 at Bowling Green, 20,000 at Columbus, and 20,000 in the center.

He then added, "You will at once see the importance of a combined attack on its center and flanks, or at least of demonstration which may be converted into real attack and fully occupy the enemy on the whole front. * * *

"The attack upon the center should be made by two gunboat expeditions, with, I should say, 20,000 men on the two rivers." (Van Horne's Army of the Cumberland, vol. 1, p. 90.)

Whether this letter was received before or after the conversation above related, can not be stated. It shows, however, that our commanders at this stage of the war were acting according to strict military principles and that their movements were deserving of success.

[b] Draper's History of the American Civil War, vol. 2, p. 237.

[c] Medical and Surgical History of the War of the Rebellion, p. LXII.

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in their official reports at about 600 killed and wounded.[a] After the battle Curtis fell back to Missouri, while Price and Van Dorn were ordered east of the Mississippi.

March 11, the Army of the Ohio was added to the command of General Halleck, who directed all military operations from his headquarters at St. Louis. The Army of the Ohio at this time numbered, present and absent, 94,783 men; present for duty, 73,472 men. Of the latter number General Halleck designated 36,000, who besides protecting Kentucky and middle Tennessee were to be organized into two expeditions—one under Brigadier-General G. W. Morgan to move upon Cumberland Gap and if possible occupy East Tennessee; the other, under General O. M. Mitchell, was to advance into north Alabama and operate against the Memphis and Charleston Railroad.

After the capture of Fort Donelson, an expedition, under the command of General C. F. Smith, was fitted out from the Army of the Tennessee and sent up the river to Eastport, Miss., to strike the Memphis and Charleston Railroad, but heavy rains having made the roads impassable the troops fell back and disembarked on the west bank at Pittsburg Landing, 25 miles from Corinth.

March 17, General Grant resumed command at Savannah, and immediately ordered to Pittsburg Landing all his available troops. The Confederates in the meantime were not idle. Recognizing Corinth, the intersection of the two great lines of the Memphis and Charleston and the Mobile and Ohio railroads, as the next objective point of the Union forces, General Albert Sidney Johnston summoned to its defense troops from Kentucky, Tennessee, Arkansas, and Florida, until by the end of March he found himself at the head of an effective force of 40,000 men.

March 15, General Buell, with the main body of the Army of the Ohio, composed of five divisions, numbering 37,000 men for duty, left Nashville via Columbia, to unite with General Grant at Savannah on the Tennessee River, 9 miles below Pittsburg Landing.

Determined, if possible, to destroy the Army of the Tennessee before the impending junction could be effected, General Johnston left Corinth April 3, and on the 6th assaulted the Union lines at Shiloh. After a furious battle, lasting nearly a day, the last desperate charge was repulsed just as the leading division of Buell's army succeeded in crossing the river. Two more divisions coming up during the night the combined armies took the offensive in the morning, and after a severe engagement drove the enemy in disorder from the field. The five divisions of the Army of the Tennessee present at the beginning of the battle numbered 32,000.[b] The subsequent arrival of the remaining division, which was on the right, at Crumps Landing, with the three divisions of Buell's army, increased the Union forces on the morning of the 7th to 59,000 men.

The Confederate loss in killed and wounded and missing was 10,699.[c] Among the killed was their commander, General Johnston. The Union loss was 1,700 killed, 7,495 wounded, and 3,022 missing, aggregate, 12,217. The losses in killed and wounded of the five divisions of the Army of the Tennessee, which bore the brunt of the battle, were 7,032,

[a] Their loss is given in Medical History of War at 3,600 killed and 1,600 missing.
[b] Sherman's Memoirs, vol. 1, p. 247.
[c] General Beauregard's official report.

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or nearly one-fourth of the force engaged.[a] At the same time General Beauregard was leading his shattered troops back to Corinth, victory again declared for the Union.

Descending the Mississippi with an army of about 25,000 men, General Pope on the 7th and 8th of April in cooperation with the Navy, captured Island No. 10 with 6,700 prisoners. April 11, General Halleck took the field in person at Shiloh. April 13, General Pope appeared before Fort Pillow and made preparations to attack, but before they could be completed he received orders to march across to the Tennessee River.

On his arrival at Shiloh, General Halleck reorganized the three armies into one; the right wing commanded by Major-General Thomas; the left wing by Major-General Buell; the center by Major-General Pope. General Grant held the nominal position of second in command.

From the first to the middle of May, General Mitchel advancing from middle Tennessee destroyed about 100 miles of the Memphis and Charleston Railroad, extending from Tuscumbia on the right, to Stephenson on the left. May 30, after fortifying, step by step, and consuming nearly six weeks in advancing less than 20 miles, General Halleck occupied Corinth, which the enemy evacuated the previous evening, falling back to Tupelo, Miss. June 6, the Navy destroyed the Confederate fleet above Memphis and the same day received the surrender of the city. June 7, General Negley, operating under General Mitchel, bombarded Chattanooga, from the north bank of the Tennessee.[b]

June 15, General Morgan occupied Cumberland Gap.

West of the Mississippi, General Curtis, on the 6th of May, advanced to Batesville and White River, whence he intended to march upon Little Rock; but receiving no supplies, besides losing a large part of his troops who were ordered to Corinth, he marched on the 26th of June for Clarendon, where he arrived on the 9th of July. Again disappointed in not meeting gunboats and supplies, he was compelled to cross over to Helena, on the Mississippi.

While these operations for opening the Mississippi were proceeding, from the north, important events were taking place at its mouth.

February 25, General Butler sailed from Hampton Roads with a force of 18,000 men to cooperate with the Navy in an attack upon New Orleans.[c]

April 24, after a brilliant engagement, Rear-Admiral Farragut destroyed the Confederate fleet and ran by the batteries of Forts St. Phillip and Jackson. April 25, anchored off New Orleans; demanded

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[a] The value of professional training again asserted itself in this battle. The only two general officers of military education and experience present on the first day of the struggle were Grant and Sherman, whose subsequent skill raised them to the grade of generals of our armies. Immediately after repelling the last assault General Grant ordered General Sherman, "to be ready to assume the offensive in the morning, saying that, as he had observed at Fort Donelson at the crisis of the battle, both sides seemed defeated, and whoever assumed the offensive was sure to win." (Sherman's Memoirs, vol. 1, p. 254.)

In respect to General Sherman, General Halleck wrote, after arriving at Shiloh: "It is the unanimous opinion here that Brig. Gen. W. T. Sherman saved the fortunes of the day on the 6th and contributed largely to the glorious victory of the 7th."

[b] Van Horne's History of the Army of the Cumberland, vol. 1, p. 132.

[c] Draper's History of the American Civil War, vol. 2, p. 328.

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and received its surrender, May 1. The troops, without loss, occupied the city. From New Orleans Farragut steamed up the river and successfully took possession of Baton Rouge and Natchez. June 28, having assembled his squadron, including the mortar fleet used in the reduction of the forts below New Orleans, he bombarded the batteries at Vicksburg, but being unable to reduce them, he repeated his previous exploit—ran past them and communicated with the gunboats which had come down from Cairo.

Thus, before the middle of the year 1862, the Navy, that branch of the public defense which has always been national in its organization and training, had the honor of carrying the flag of the Union throughout the length of the Mississippi.

After this success, Rear-Admiral Farragut again ran past the batteries, returned to New Orleans, and thence proceeded to Pensacola.

While the fleet was assembling at Vicksburg prepartory to bombarding the batteries, a division of troops under General Thomas Williams had accompanied the expedition, sought to divert the river from its channel by digging a canal across the narrow neck immediately west of the city; the task being too great, the troops returned with the fleet to New Orleans. With the occupation of the latter city but one more movement was necessary to open the Mississippi and sever the Confederacy.

The skillful concentration of the armies of the Ohio, Tennessee, and the Mississippi, with reenforcements from Missouri and Arkansas, gave General Halleck a force of not less than 120,000 bayonets; by drawing other troops from Kentucky and Tennessee the aggregate might further have been increased to 160,000.

Two hundred miles south of Corinth lay the Vicksburg and Jackson Railroad, the only line which now connected the Trans-Mississippi with the east. To defend it, even by calling all the troops from the west of the river, the enemy could not have assembled an army of 80,000 men. As appears since the war, the Confederate force at Corinth numbered but 47,000 men.[a]

According to the probabilities of war, had General Halleck advanced upon Jackson, the Mississippi might have been opened and the Confederacy cut in twain during the fall of 1862, but instead of adhering to the policy of concentration he unfortunately resolved to divide and scatter his army. After pursuing the enemy about 30 miles south of Corinth, General Buell, with the Army of the Ohio, was ordered to move upon Chattanooga, while General Grant, reduced to the defensive, was left in command of the district of West Tennessee.

In June, General Pope was ordered to the East, and the following month General Halleck was summoned to Washington to assume the position of General in Chief. The departure of General Halleck without appointing a successor left the troops in his department under three independent commanders. The months of June, July, and August were consumed by the Army of the Ohio in rebuilding the Memphis and Charleston Railroad and reestablishing the communications in middle Tennessee and north Alabama. After the evacuation of Corinth, General Beauregard was superseded by General Bragg. The latter, as soon as the Army of the Ohio began its march eastward, left Mississippi to the care of Van Dorn and Price, who were withdrawn from Arkansas, and, with the remainder of the army, proceeded to Chattanooga.

[a] Pollard's Lost Cause, p. 321.

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Farther to the East another Confederate force, under Kirby Smith, but subject to the orders of General Bragg, threatened Cumberland Gap.

At the end of the first period, our troops in the West were distributed as follows: General Curtis at Helena, Ark.; the Army of the Tennessee in west Tennessee, the right at Memphis, the center at Bolivar and Jackson, the left at Corinth. The Army of the Ohio, the right near Florence, Ala., the center on the Nashville and Chattanooga Railroad, and the left near McMinnville. Further to the left, General Morgan faced Cumberland Gap. From Memphis to McMinnville the distance was 300 miles, traversed by two formidable rivers, the Mississippi and the Tennessee; the front of operation of the western army extending from Helena to Cumberland Gap, exceeded 500 miles. In the two great theaters of war, East and West, our troops under eight independent commanders, occupied at the close of the first period a front of not less than 750 miles.

SECOND PERIOD.

During this period the Government and the Confederates conducted the war on contrary principles. The Government sought to save the Union by fighting as a Confederacy; the Confederates sought to destroy it by fighting as a nation. The Government recognized the States, appealed to them for troops, adhered to voluntary enlistments, gave the governors power to appoint all commissioned officers and encouraged them to organize new regiments. The Confederates abandoned State sovereignty, appealed directly to the people, took away from them the power to appoint commissioned officers, vested their appointment in the Confederate President, refused to organize war regiments, abandoned voluntary enlistments, and, adopting the republican principle that every citizen owes his country military service, called into the army every white man between the ages of 18 and 35.

The effect of this draft, which was inaugurated by Virginia in the month of February and adopted by the Confederate Congress on the 16th of April, was to add to the Virginia contingent during the month of March, nearly 30,000 men. The quotas of other States were increased in the same manner.[a]

As these men poured into the old organizations, three months sufficed to make them efficient.

Profiting by the division of the Union forces, the Confederates began the military operations of the second period in the Shenandoah Valley. Leaving a force to detain General Banks, General Stonewall Jackson, on the 8th of May, defeated at McDowell, W. Va., two brigades of the Mountain Department, commanded by Generals Schenck and Milroy. Next returning to the Department of the Shenandoah he defeated General Banks at Winchester on the 25th of May and compelled him to retreat across the Potomac. Under orders from Richmond he continued his march northward May 28, and on the 29th appeared before Harper's Ferry. Hearing of movements to intercept his retreat, he fell back on the 30th; slipped between the forces of Fremont and Shields, June 1, near Strasburg; repulsed the attack of Fremont at Cross Keys, June 7; and crossing the Shenandoah defeated two brigades of Shields's division at Port Republic on the 9th. June 17, with 16,000 men, he began his march to Richmond.[b]

[a] Johnston's Narrative of Military Operations, p. 108.
[b] Johnston's Narrative of Military Operations, pp. 108, 145.

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Pursuing the policy of concentration, the Confederates called 15,000 men to the same point from North Carolina and 22,000 from South Carolina and Georgia. June 26, the troops of the Mountain Department and the Departments of the Shenandoah and Rappahannock were organized into the Army of Virginia, commanded by Major-General Pope. The concentration at Richmond having been effected, General Lee began the series of battles which resulted in raising the siege of the Confederate capital and in compelling the Army of the Potomac to retreat to the James River, at Harrison's Landing. These battles were: Mechanicsville, June 26; Gaines's Mills, June 27; Savage Station, June 29; White Oaks Swamp and Charles City Cross Roads, June 30, and Malvern Hill, July 1.

At Malvern Hill the enemy was repulsed with the loss of 5,000 men. The total Union losses in the Seven Days' battle were 15,249. The Confederates lost 16,833 killed and wounded and 752 missing; total, 17,583.[a]

The Army of the Potomac on the 26th of June numbered for duty 115,102. The Confederates approximated 95,000.[b] July 11, General Halleck was appointed General in Chief.

An effort was made to unite the armies of the Potomac and Virginia on the line of the Rappahannock. July 30, General McClellan was ordered to send away the sick of the Army of the Potomac. August 1, General Burnside, who had been withdrawn from North Carolina to Fort Monroe, was ordered to embark for Aquia Creek. August 3, the Army of the Potomac was ordered to withdraw from the Peninsula and embark for the same point. August 14, after sending off its sick and stores, it began the march from Harrison's Landing to Fort Monroe, whence, as fast as transports could be procured, it proceeded to Aquia Creek and Alexandria.

In the meantime the enemy began to move northward. August 9, General Jackson attacked General Banks at Cedar Mountain, and after a severe battle retired across the Rapidan to await the arrival of the main body.

August 29 and 30, the Confederates gained the second battle of Bull Run; September 4, they crossed the Potomac; September 8, General Lee, at Frederick, issued his proclamation inviting the people of Maryland to join the flag of secession.

Their success in the West was no less alarming; By means of conscription, General Bragg's army was increased to 50,000 men; at the head of two corps he crossed the Tennessee River east of Chattanooga on the 24th of August; turned Buell's left flank; threatened Nashville; crossed the Kentucky line September 5; captured Mumfordsville on the 17th, with its garrison of 4,000 men, and thence threatening Louisville, marched to Bardstown and Frankfort. At the same time, Kirby Smith, commanding the Third Corps, passed through Cumberland Gap, defeated the forces of General Nelson (formerly Morgan's), at Richmond, Ky., August 29, inflicting a loss of 1,000 killed and 5,000 prisoners, and thence, via Lexington, moved to Cynthiana, within 50 miles of Cincinnati. From Cynthiana he turned backward and joined the main body at Frankfort. These movements at once neutralized all the summer operations of the Army of the Ohio subsequent to its departure from Corinth.

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[a] Medical and Surgical History of the War of the Rebellion, p. l.
[b] Swinton's The Army of the Potomac, p. 151.

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Abandoning the railroads and all the positions occupied in north Alabama and southern Tennessee, General Buell, on the 30th of August, ordered his army to concentrate at Mumfordsville. Without halting he next moved to Nashville, where, still compelled to follow the lead of his adversary, he left a sufficient garrison for its defense and then began the series of marches which did not terminate till the 23d of September, when he reached Louisville, on the Ohio River.

The chances of disaster at the beginning of the second period, were apparently greater in the district of west Tennessee than in either Kentucky or Virginia. After the breaking up of the great army at Corinth, General Grant, in the course of the summer, was required to detach four divisions to join the Army of the Ohio. Later, when it began its retreat to the Ohio, he was ordered to send troops by water to defend Louisville, then in imminent danger of capture. These reductions left him with about 42,000 men to hold the fortified posts extending from Memphis to Corinth.

September 13, General Price seized Iuka, apparently intending to move into middle Tennessee. September 19, General Ord, under the orders of General Grant, approached Iuka from Corinth, General Rosecrans from Rienzi. The latter successfully attacked Price a little south of Iuka, who escaped via Fulton, by the only road that was left open. The disposition of troops in the district of west Tennessee on the 1st of October was approximately as follows: Memphis, 6,000 men; Bolivar, 8,000 men; General Grant's headquarters at Jackson, with 3,000 men; Corinth, 19,000 men.

October 4, Generals Van Dorn and Price, with a force estimated at 38,000, attacked General Rosecrans in his entrenchments at Corinth and were defeated with a loss of nearly 5,000 men.[a] The Union loss was 315 killed, 1,812 wounded, and 232 missing.[b] General Rosecrans, in his report, stated the enemy's killed and buried to be 1,424. The wounded he estimated at exceeding 5,000.[c]

The Confederates admitted[a] loss of 594 killed, 2,162 wounded, and 2,102 missing. With the exception of the victories of Iuka and Corinth an unbroken chain of disasters marked the second period of 1862. The withdrawal of the Army of the Potomac from the James River to Wasbington and Alexandria, the retreat of the Army of Virginia from the Rappahannock to the Potomac, the invasion of Maryland, and the retreat of the Army of the Ohio to Louisville, produced a depression in the public mind nearly as great as that which succeeded the battle of Bull Run.

THIRD PERIOD.

As soon as the Army of Virginia returned to Washington, General Pope, at his own request, was ordered to the West, the command of all the troops around the capital devolving on General McClellan.

Crossing into Maryland, the advance of the Army of the Potomac reached Frederick on the 12th of September. Here General McClellan learned, through a despatch picked up in the enemy's camp, that General Lee, with a view to capturing Harper's Ferry, had divided and

[a] Rosecrans's report. Pollard gives Rosecrans's force at 15,000, with 8,000 at various outposts from 12 to 15 miles distant. Van Dorn's and Price's forces he estimates at 22,000. (Pollard's Lost Cause, p. 335.)

[b] Medical and Surgical History of the War of the Rebellion, p. lix.

[c] Draper's History of the American Civil War, vol. 2, p. 317.

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scattered his army. Three divisions under General Jackson were sent via Williamsport and Martinsburg, to approach from the rear by Bolivar Heights; another division was ordered to cross the Potomac below Harper's Ferry and seize Loudoun Heights; two more divisions completed the investment from Maryland Heights. The troops from these various locations near Fredericksburg were to begin their movements on the 12th of September. The remainder of the Confederate Army took position in the vicinity of Boonsboro and Hagerstown. Hearing of the approach of the Army of the Potomac, which was hastened by the information conveyed by the captured despatch, General Lee ordered all his available troops back to South Mountain.

September 14, the Army of the Potomac, after a severe engagement, occupied Turner's and Crampton's Gaps. September 15, when the army was in a situation to defeat if not capture most of the Confederate forces north of the Potomac, Harper's Ferry surrendered with 12,000 men. September 17, the two armies joined in battle at Antietam. September 19, the Confederates gave up the invasion and retreated to Virginia. Their losses during the Maryland campaign were 10,291 killed and wounded;[a] their losses in prisoners at the battles of Crampton's Gap, Turner's Gap, and Antietam were 6,000 men.[b] The losses of the Army of the Potomac (Harper's Ferry not included) were, killed, wounded, and missing, 13,794.[c]

Between the 26th of October and the 2d of November the Army of the Potomac again crossed into Virginia and directed its march toward Warrenton and Culpeper. November 7, by an order dated November 5, General McClellan was relieved from command and General Burnside named as his successor. After a halt of ten days near Warrenton the army changed its base to Aquia Creek. December 13, it was launched against the enemy's fortified position at Frederick and was repulsed with a loss of 12,321 killed, wounded, and missing.[d] Protected by intrenchments, the Confederate losses were only 5,309.[d]

On reaching Louisville, on the 25th of September, 30,000 troops, composed partly of the new levies of 1862 and partly of veterans drawn from the district of west Tennessee, were added to the Army of the Ohio. This reenforcement increased its strength to nearly 100,000 men. Reorganizing the army into three corps, General Buell left Louisville in pursuit of Bragg on the 1st of October; on the 8th the latter gave battle at Perryville, Ky., and thence retreating via Cumberland Gap to Chattanooga, again advanced and took up position at Murfreesboro, 30 miles south of Nashville.

The Confederate losses in the battle of Perryville were 2,500 killed, wounded, and missing, with 1,000 wounded left on the field. The Union losses were 3,859 killed and wounded, and 489 missing. At London, Ky., the pursuit was relinquished and the army ordered to Nashville. October 30, General Buell was relieved by General Rosecrans; at the same time the designation of the Army of the Ohio was changed to the Army of the Cumberland. December 26, after refitting at Nashville, the time also being employed in disciplining the new levies, the army again moved forward. December 31, while General

[a] General Lee's report, Swinton's History Army of the Potomac, p. 221.
[b] McClellan's Report.
[c] McClellan's Report and Medical and Surgical History of the War of the Rebellion, p. lviii.
[d] Swinton, p. 253.

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Rosecrans was making preparations to attack, General Bragg assaulted him at Murfreesboro on Stone River. January 1, the armies rested on their arms. January 2, Bragg renewed the battle and was repulsed. January 3, he left the Union army master of the field and retreated to Tullahoma.

The strength of the Army of the Cumberland at the beginning of the battle was 43,400.[a] Its losses were 1,533 killed, 7,245 wounded, and 2,800 missing.[b] The Confederates reported their strength at less than 35,000;[c] their loss exceeded 9,000 killed and 1,100 wounded.[c] After the retreat of Bragg from Kentucky the number of troops in the district of west Tennessee was increased by the arrival of the new levies to 72,000 men,[d] of whom 18,000 were at Memphis. The remainder were distributed, as before, at Bolivar, Jackson, and Corinth.

November 24, General Grant ordered all his forces forward to the Tallahatchee. The Confederates, commanded by General Pemberton, occupied a fortified position covered by the river, and were estimated at 30,000.[e] To turn this position Gen. Fred Steele, at Helena, was requested to send a force across the Mississippi in the direction of Grenada.

Admiral Porter, of the Navy, was asked to send boats to cooperate at the mouth of the Yazoo River. December 1, the railroad in his rear having been cut by the force from Helena, the enemy fell back to Grenada. December 4, the Union Army reached Oxford. The cavalry the next day occupied Coffeeville, 18 miles from Grenada. In the meantime attention was turned toward Vicksburg, by way of the Mississippi. December 5, General Grant telegraphed to General Halleck that if the troops at Helena were at his command he could send General Sherman to take them and the forces at Memphis south of the mouth of Yazoo River and thus secure Vicksburg and the State of Mississippi. This plan being approved, General Sherman was directed, on the 8th of December, to return to Memphis, to leave there the cavalry and 4 regiments of infantry, and with the remainder of the force to proceed to the mouth of the Yazoo River, picking up en route the 12,000 men at Helena.

After reaching the Yazoo River, General Sherman was ordered, if practicable, to land up the river, and then cut the Vicksburg and Jackson Railroad at the crossing of the Big Black. The remainder of the army under General Grant, was to cooperate from the direction of Grenada.

Leaving Memphis with 30,000 men and reenforced at Helena by 12,000 more, General Sherman, on the 24th of December, arrived at Milliken's Bend, 20 miles above Vicksburg. December 26, under the convoy of the Navy, he proceeded up the Yazoo River. December 27, he disembarked at the mouth of the Chickasaw Bayou. December 29, he assaulted the enemy's entrenchments and was repulsed with a loss of 1,173 killed and wounded and 756 missing. The enemy's loss was 204[f] killed and wounded.

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[a] Van Horne's History of the Army of the Cumberland, p. 251; also Draper's History of the American Civil War, vol. 2, p. 260.

[b] Medical and Surgical History of the War of the Rebellion, p. lxvi.

[c] Pollard's Lost Cause, p. 347.

[d] Badeau's Military History of Ulysses S. Grant, p. 131.

[e] General Rosecrans estimated the Confederate Army at 60,000 men. Draper (p. 360) states their force at 62,000 and their losses at 14,700. The Medical History (p. lxvi) gives their losses in killed, wounded, and missing at 14,500.

[f] Medical and Surgical History of the War of the Rebellion, p. lxv.

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On returning to the Mississippi, January 2, General Sherman, in order to occupy the troops, recommended to General McClernand, who, in virtue of his rank, had assumed the command, that an attack should be made on Arkansas Post, on the Arkansas River, 50 miles above its mouth.

In cooperation with the Navy, the attack was made January 11, 1863, and resulted in the capture of 5,000 prisoners and 17 guns. While the above movements were in process of execution the main army threatened Vicksburg from the direction of the Tallahatchee. December 20, its communications extending back to Columbus, Ky., were cut at Holly Springs and Bolivar, and about the same time between Jackson and Columbus. January 4 the army began to fall back, moved to Memphis, and, there taking transports, proceeded down the river. At the close of the year 1862 the Army of the Potomac, with one leg still chained to the capital, confronted its antagonist at Fredericksburg on the Rappahannock; the Army of the Cumberland went into winter quarters at Murfreesboro, Tenn.; and the Army of the Tennessee, like a huge serpent, was approaching Vicksburg along the levees of the Mississippi.

REVIEW OF THE CAMPAIGN OF THE ARMY OF THE POTOMAC TO APRIL 1, 1862.

On the 31st of March, 1862, the Government had in service an army of 637,126 men, nearly all of whom were enlisted for the term of three years.[a]

The Confederate army, composed largely of one-year volunteers, whose enlistments were on the eve of expiring, scarcely exceeded 200,000 men.[b]

The failure to subdue the Rebellion in 1861 has already been explained by our total want of military organization and preparation.[c] The failure to subdue it in 1862, with the amazing advantages possessed by the Union, proceeded from a cause entirely different—the mismanagement of our armies.

In discussing the events of 1862, most of our historians, according to their political connections, have contented themselves with laying the blame either upon the President, the Secretary of War, or the commander of the Army of the Potomac.

The candid reader, however, if not already convinced, will discover upon further investigation that the President and his subordinates were but the instruments or victims of a bad system; that the disasters of the campaign entailing the bloodshed of the three ensuing

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[a] Fry, vol. 1, p. 101.

[b] According to Jones's War Statistics, the mean strength of the Confederate armies for January, 1862, was 232,138; for February, 219,169; and for March, 165,047 (Richmond and Louisville Medical Journal, October number, Vol. VIII, p. 351). Later in the year, Draper estimated their strength at not fewer than 210,000 (Draper's History of the American Civil War, vol. 2, p. 165).

[c] The joint resolution of Congress passed April 19, 1898, demanding the withdrawal of Spain from Cuba was in effect a declaration of war. On April 23, the President issued his call for 125,000 volunteers, increased on May 25, to 200,000; and the Regular Army was on April 26, increased to approximately 61,000 men. Meanwhile, on April 25, Congress declared that war had existed since April 21. It is well known how unprepared this country was for the Spanish war, and how costly it proved. Some of the volunteer regiments reported without arms, accouterments, ammunition, or clothing.—EDITORS.

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years had their origin in the needless division of our armies, and what is still more instructive, that the cause of this division is to be found in that defect of our laws which, contrary to the spirit of our institutions, tempted the President to assume the character and responsibilities of a military commander.

To understand that he was led to this fatal determination, it is necessary to trace briefly the growth of the Army of the Potomac. When General McClellan took command of it at Washington[a] on the 27th of July, 1861, it numbered approximately 50,000 infantry, 1,000 cavalry, and 30 guns, a total of about 52,000 men.

October 15, including the troops at Baltimore and those on the line of the Potomac from below Washington to Cumberland, the present numbered 143,647; absent, 8,404; total, 152,051. December 1, the present for duty was 169,452; present and absent, 198,213. January 1, 1862, the present for duty was 191,480; present and absent, 219,707. March 1, 1862, the present for duty reached 193,142; present and absent 221,987. October 15, General McClellan reported the strength of the Confederates in northern Virginia at 150,000 men. Even with this number the disposition of these forces invited an attack. Their right was at Aquia Creek, blockading the Potomac; their center was at Centreville and Manassas, with pickets in sight of the capital; their left extended from Leesburg into the Shenandoah Valley.

November 1, General McClellan, on the retirement of General Scott, was made General in Chief. Up to this time it was his intention to strike the enemy at Manassas, and he had already indicated the 25th of November as the date for the movement.

Humiliated and made wiser by the defeat at Bull Run, the President, the Cabinet, and the people, were at first disposed to give the new commander all the time necessary to organize and discipline his troops; but when several months had passed with no indication of an advance, the army in the meantime having increased to above 200,000 men, impatience for action returned with accumulated force. As a recognition of this feeling, Mr. Stanton, on the 13th of January, 1862, was appointed Secretary of War. January 27, at the suggestion of the Secretary of War, the President issued the first "General War Order," fixing the date of the 22d of February as the day "for a general movement of the land and naval forces of the United States against the insurgent forces." About the same time the General in Chief submitted his plan of operations, which was to transfer the Army of the Potomac from Washington and Annapolis by water to Urbana or Fort Monroe, and thence advance upon Richmond. Disappointed, if not alarmed, at the proposition to remove the army while the enemy still held the capital in a state of siege, the President disapproved of the plan, and in a Special War Order, No. 1, dated January 31, 1862, directed that "all the disposable force of the Army of the Potomac, after providing safely for the defense of Washington, be formed into an expedition for the immediate object of seizing and occupying a point upon the railroad southwest of what is known as Manassas Junction," all details to be left to the General in Chief.

February 3, the President in a letter to the General in Chief, stated:

> You and I have distinct and different plans for a movement of the Army of the Potomac; yours to be done by the Chesapeake up the Rappahannock to Urbana and

[a] McClellan's Report, Frank Moore's Rebellion Record, vol. 1, p. 510; also p. 511, supplement.

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across land to the terminus of the railroad on the York River; mine to move directly to a point on the railroad southwest of Manassas. If you will give satisfactory answers to the following questions, I shall gladly yield my plan to yours:

First. Does not your plan involve a greatly larger expenditure of time and money than mine?

Second. Wherein is a victory more certain by your plan than mine?

Third. Wherein is a victory more reliable by your plan than mine?

Fourth. In fact, would it not be less valuable in this, that it would break no great line of the enemy's communications, while mine would?

Fifth. In case of disaster, would not a retreat be more difficult by your plan than mine?[a]

The same day, by permission, the General in Chief presented in writing the difficulties of the President's plan, as also the relative advantages of an advance upon Richmond from Washington and, as he proposed, from the lower Chesapeake. Unable to refute the arguments, moreover, unwilling to force upon a commander a movement contrary to his judgment, the President waived his opinion and consented to the plan of his subordinate. Nevertheless, convinced against his will, it was not until the 27th of February that the order was given to procure the necessary steamers and transports. This work, including the transfer to Fort Monroe of an army of 121,000 men, with all its material of war, was accomplished in thirty-seven days.

When first proposed, had either the plan of the President or the General in Chief been executed with promptness there would have been reasonable chance of success.

Both contemplated providing for the safety of the capital and then striking the enemy with all the available force that could be collected.

The President's plan, after the army had advanced toward Culpeper Court House, involved a change of base from Washington to Aquia Creek, from Aquia Creek to White House, on the line of the York and Pamunkey rivers, and thence to the James River.

The plan of the General in Chief, after arriving at Urbana or Fort Monroe, was to move up the line of the York and Pamunkey rivers to White House, and thence, if necessary, swing over to the James. In either case, as the army would ultimately be compelled to draw its supplies from White House or the James River, all advantages or disadvantages for the overland and peninsular routes, respectively, would necessarily cease the moment the army arrived within the compass of siege operations of the Confederate capital. This fact, however, appears to have been overlooked by the advocates of the overland route. Their objection to the line of the peninsula was that while the army was advancing Washington would be left uncovered.

It is probable, had the General in Chief proposed to attack and defeat the enemy at Manassas, before transferring the Army to the lower Chesapeake, his plans would have received a hearty support, but alarmed lest the capital might be captured, the President, on the 8th of March, issued General War Order, No. 3,[b] directing that no change of the base of operations of the Army of the Potomac should be made "without leaving in and about Washington such a force as in the opinion of the General in Chief and the commanders of army corps" should leave "said city entirely secure." The second paragraph prohibited more than two corps from moving to the new base

[a] Frank Moore's Rebellion Record, vol. 1, p. 331.

[b] Although both orders bear the same number, one is officially known as "President's General War Order, No. 3," and the other as "President's War Order, No. 3."—EDITORS.

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of operations until the navigation of the Potomac, from Washington to the Chesapeake, should be freed from the enemy's batteries. The third paragraph designated the 18th of March as the date on which the movement to the new base should begin. The last paragraph ordered "the Army and Navy to cooperate in an immediate movement to capture the enemy's batteries upon the Potomac between Washington and the Chesapeake Bay."

The same day the President, without consulting the General in Chief, issued another order directing the army to be formed into four corps, and also designated their commanders. March 9, before the movement for attacking the batteries on the Potomac could be executed, information was brought that the enemy was evacuating his positions at Centerville and Manassas. March 10, the army moved toward Centerville, less for the purpose of pursuit than to accustom itself to marching and to divest itself of superfluous baggage.

During this time influences were at work to destroy the confidence of the President in the General in Chief. March 11, yielding to pressure which he could no longer resist, he issued War Order, No. 3,[a] which was pregnant with disaster.

The first paragraph, on the ground that General McClellan had taken the field, relieved him from his duties as General in Chief, but retained him in command of the Army and Department of the Potomac.

The second paragraph united the three departments of Generals Halleck, Hunter, and Buell, embracing all the territory west of a north and south line through Knoxville, Tenn., into the Department of the Mississippi, commanded by General Halleck. The territory intervening between the Departments of the Potomac and the Mississippi was constituted the Mountain Department, commanded by Major-General Fremont. The last paragraph directed all commanders of Departments "to report severally and directly to the Secretary of War."

In discussing an order which led to nearly all the reverses of the year 1862, the object should not be to vindicate a military commander, not to blame a great and patriotic President, but to satisfy ourselves that the causes of our disasters, like those of preceding wars, can be traced to defects of military legislation, which Congress at any time has the power to correct.

One of the first acts of Congress after the adoption of the Constitution was to relieve the President of the multitude of details pertaining to the administration of the Army, by creating the War Department, the Secretary of which was "to execute such duties relative to military commissions or to the land and naval forces, ships, or warlike stores of the United States" as, from time to time, might be enjoined upon or intrusted to him by the President. The Secretary was further required to conduct the business of the Department in such manner as the President might direct. By means of these restrictions upon the Secretary of War, who, under the practice of the Government, has always been removable at the pleasure of the President, the constitutional authority of the latter as Commander in Chief of the Army and Navy was preserved unimpaired. Had Congress at the same time created the grade of General in Chief, as the officer to command the

[a] Although both orders bear the same number, one is officially known as "President's General War Order, No. 3," and the other as "President's War Order, No. 3."—EDITORS.

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Army, subject only to the order of the President, it is more than probable that the disasters of the year 1862 might have been avoided.

The absence of such a law, during the war of 1812, proved the necessity of having such a military adviser. Four years before it broke out General Dearborn, a Secretary of War, ambitious of military distinction, reported to the President:

> In the event of war, it will, I presume, be considered necessary to arrange our military force into separate departments, and to have a commander to each department, and, of course, to have no such officer as commander in chief.[a]

The fruits of this fatal advice were soon gathered. Unable to attend in person to the duties of a commander in chief, the President, during the campaign of 1813–14, permitted General Armstrong, the Secretary of War, to control military operations until the enemy approached the capital, when in the face of a great national calamity he was compelled to resume his constitutional functions by directing that no orders for the movement of troops should be issued from the War Department without previously receiving Executive sanction.

A few days later the military authority of the Secretary of War had again to be suppressed on the field of Bladensburg, when the President gave him the verbal order "to leave to the military functionaries the discharge of their own duties on their own responsibility." To this confused system, which was productive of nothing but disaster, Mr. Lincoln returned, when he issued the fatal order of March 11, dispensing with the services of a General in Chief and ordering all military commanders to report to the Secretary of War. By this stroke of the pen, the command of our vast armies at the moment they were ready to strike, passed from the hands of an educated soldier, to those of the President and Secretary of War, neither of whom professed any knowledge of the military art.

The effect of this joint command soon became apparent. March 12, as the army was returning from Manassas to Alexandria, a council of war, composed of the four corps commanders, was convened at Fairfax Court House to consider the military situation and to provide for the security of Washington, as required by the President's order of March 8.

The enemy having retreated behind the Rappahannock and the Rapidan, this council unanimously expressed the opinion that military operations would "be best undertaken from Old Point Comfort, between the York and the James rivers," provided, (1) that the enemy's vessel, the *Merrimac*, could be neutralized; (2) that the transportation sufficient for the immediate transfer of the army to the new base should be in readiness at Washington and Alexandria; (3) that an auxiliary naval force should aid in silencing the enemy's batteries at Yorktown; (4) that the force to be left to cover Washington should be such "as to give an entire feeling of security for its safety from menace."[b]

If the foregoing conditions could not be fulfilled "the army should then be moved against the enemy behind the Rappahannock at the earliest possible moment."

As to the safety of Washington, Generals Keyes, Heintzelman, and McDowell expressed the opinion "that with the forts on the right

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[a] American State Papers, Military Affairs, vol. 1, p. 228.
[b] Frank Moore's Rebellion Record, vol. 1, p. 542, Supplement.

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bank of the Potomac fully garrisoned and those on the left bank occupied, a covering force in front of the Virginia line of 25,000 men would suffice."[a] Instead of dividing the troops into an occupying force, General Heintzelman estimated that "a total of 40,000 men for the defense of the city would suffice." Upon the conclusion of the council of war, General McClellan telegraphed to the Secretary of War that the commanders of the army corps have "unanimously agreed upon a plan of operations," and that General McDowell would at once proceed to Washington to lay it before him. Assuming the right to exercise military command, the Secretary, without consulting the President, replied:

Whatever plan has been agreed upon, proceed to execute at once, without losing an hour for my approval.[b]

The same afternoon (March 13) General McDowell laid the plan before the Secretary of War, who at 5.30 p. m. telegraphed General McClellan that there was nothing in the paper indicating that it was his plan, further stating:

Will you be pleased to state what plan of operations you propose to execute under the present circumstances?

At 6.15 p. m. General McClellan replied:

The members of the council, together with myself, were unanimous in forming the plan which was presented to you by General McDowell. Steps have already been taken, so that if the plan meets with your approval the movement can commence early to-morrow morning.[c]

The President was now consulted and at 7.40 p. m. the Secretary of War again replied:

The President having considered the plan of operations agreed upon by yourself and the commanders of army corps, makes no objection to the same but gives the following directions as to its execution:

First. Leave such force at Manassas Junction as shall make it entirely certain that the enemy shall not repossess himself of that position and line of communication;

Second. Leave Washington secure;

Third. Move the remainder of the force down the Potomac, choosing a new base at Fortress Monroe or anywhere between here and there; or at all events move such remainder of the army at once in pursuit of the enemy by some route.[d]

March 17, Major-General E. A. Hitchcock was placed on special duty in the War Department as a quasi military adviser to the Secretary of War and the President.

March 19, in anticipation of a movement up the Peninsula, General McClellan, in a letter to the Secretary of War, designated West Point as the first place to be reached and used as a main depot after leaving Fort Monroe.

Two methods for reaching this point were suggested. The first was to move directly from Fort Monroe between the two rivers, and "to reduce Yorktown and Gloucester by a siege, in all probability involving a delay of weeks, perhaps."

The second was to make a combined naval and land attack upon Yorktown.

The Navy should at once concentrate upon Yorktown all their available and most powerful batteries. Its reduction should not, in that case, require many hours. A

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[a] Frank Moore's Rebellion Record, vol. 1, p. 542, Supplement.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 312.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 312, 313.
[d] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 313.

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strong corps would be pushed up the York River, under cover of the Navy, directly upon West Point, immediately upon the fall of Yorktown, and we could at once establish our new base of operations at a distance of some 25 miles from Richmond, with every facility for developing and bringing into play the whole of our available force on either or both banks of the James.

It is impossible to urge too strongly the absolute necessity of the full cooperation of the Navy as a part of the programme. Without it the operation may be prolonged for many weeks, and we may be forced to carry in front several strong positions which by their aid would be turned without serious loss of either time or men. [a]

The army upon which General McClellan relied to carry out this plan, embracing the four corps of McDowell, Sumner, Heintzelman, and Keyes, numbered, on the 1st of April, present for duty 136,444; present and absent 158,419.

Whatever objections the President may have had to the peninsular route while the enemy still blockaded the Potomac, it is manifest that after having assented to the plan recommended by the four corps commanders of his own appointment, he ought to have ordered to the new theater of operations every soldier who was not deemed necessary for the defense of the capital.

But the President was by no means the master of his own actions. He could no longer plead a reluctance to interfere with the plans of his subordinates. He had assumed all the personal responsibilities of a military commander, with the further disadvantage that, as the Chief Magistrate, he could not, even in matters of detail, turn a deaf ear to the appeals and representations of his political and military advisers.

Whenever a territory was threatened with a real or imaginary invasion, the people felt that they had the right through their representatives to appeal to him for protection.

Educated in political life, he could not fail to apply the same system of reasoning to the decision of military as to political questions. Troops could not be ordered from one department, district, or place to another without first paying "a due regard to all points."

In this manner strategical principles, involving perhaps the fate of an army, had to give place to political considerations. The first evidence of this fact was presented in a demand made to detach Blenker's division from the Army of the Potomac, and to send it to the Mountain Department, where it was impossible that a great battle should be fought. For days the President resisted the demand, but on the 31st of May, after most of the troops had embarked for Fort Monroe, he was compelled to yield, and wrote General McClellan as follows:

This morning I felt constrained to order General Blenker's division to Fremont, and I write this to assure you that I did so with great pain, understanding that you would wish it otherwise. If you could know the full pressure of the case I am confident that you would justify it, even beyond a mere acknowledgment that the Commander in Chief may order what he pleases. [b]

This order detached 10,000 troops, and was the beginning of the disintegration of the Army.

The next day, after having received the assurance of the President that in no event should any more troops be detached from his command, General McClellan sailed for Fort Monroe.

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[a] Report of the Joint Committee on the Conduct of the War, pt. 1, p. 313, 314.
[b] Frank Moore's Rebellion Record, vol. 1, p. 544, Supplement.

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CHAPTER XX.

REVIEW OF THE CAMPAIGN OF THE ARMY OF THE POTOMAC FROM THE 1ST OF APRIL TO THE CLOSE OF THE FIRST PERIOD OF 1862.

Before sailing from Alexandria for Fort Monroe on the 1st of April, 1862, General McClellan made a written report as to his dispositions for the security of the capital. The troops designated for this purpose were as follows:

In the defenses of Washington, Wadsworth's command	18,000
At Warrenton	7,780
At Manassas	10,859
In the valley of the Shenandoah	35,467
On the lower Potomac	1,350
Total	73,456

To understand the confusion introduced by the suppression of the office of General in Chief, we must return to the despatch of the Secretary of War acknowledging the receipt of the proceedings of the council of corps commanders, handed to him by General McDowell. In this despatch, dated 5.20 p. m., March 13, the Secretary, without quoting the President, informed the commander of the Army, that General Wool at Fort Monroe would be relieved from command, whenever the former desired it, and that in case he made Fort Monroe his base (which was approved, or not objected to, by the President two hours later), he should have control over General Burnside's troops in North Carolina. The despatch concluded:

> All the forces and means of the Government will be at your disposal.

Had this wise resolution been adhered to, all blame in the event of failure must have been borne by General McClellan; but from this grave responsibility, involving the prolongation of the war for years, he was largely, if not wholly, relieved by later orders, which materially weakened his army.

DEFENSES OF WASHINGTON.

The day after McClellan left Alexandria, April 2, General Wadsworth, in charge of the defenses of Washington, reported in writing to the Secretary of War, that he had 19,022 men for duty out of a total present, including the sick, of 20,477,[a] and that from this force he was directed to detach three regiments to join the troops moving to the Peninsula, and a fourth (still available for the defense of Washington)

[a] There is an apparent discrepancy between these figures and those given by General McClellan April 1. As General Wadsworth was in immediate command of the defenses of Washington, he is probably correct.—EDITORS.

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to relieve a regiment of Hooker's division at Budds Ferry. He further stated that he was ordered to send 4,000 men to Manassas and Warrenton, to relieve General Sumner. After reporting that he had no light artillery, that nearly all his force was "new and imperfectly disciplined," that "several of the regiments were in a disorganized condition," he continued:

I am not informed as to the position which Major-General Banks is directed to take, but at this time he is, as I understand, on the other side of the Bull Run Mountains, leaving my command to cover the front from the Manassas Gap, about 20 miles beyond Manassas, to Aquia Creek.

I deem it my duty to state that, looking at the numerical strength and character of the force under my command, it is, in my judgment, entirely inadequate to, and unfit for, the important duty to which it is assigned. I regard it as very improbable that the enemy will assail us at this point, but this belief is based upon the hope that they may be promptly engaged elsewhere, and may not know the number and the character of the force left here. [a]

To properly appreciate the dispositions made by General McClellan, it is important to have a clear idea of the earthworks constructed for the defense of the capital, and completed before the close of the year 1861.

As enumerated a year later by a special commission appointed by the Secretary of War, they were classified into four groups. First, those south of the Potomac, beginning with Fort Lyon, below Alexandria, and terminating with Fort De Kalb, opposite Georgetown; second, those at Chain Bridge; third, those on the north bank of the Potomac, extending from above Chain Bridge to the Anacostia, or Eastern Branch; fourth, those east and south of the Eastern Branch, terminating at Fort Greble, opposite Axexandria. The length of the line, excluding the Potomac between Forts Greble and Lyon, was 33 miles; including this space it was 37 miles.

General Barnard states:

Comprised in the foregoing categories there are 23 forts south of the Potomac, 14 forts and 3 batteries between the Potomac and Anacostia, and 11 forts beyond the Anacostia, making 48 forts in all. These works varied in size, from Forts Runyon, Lyon, and Marcy, of which the perimeters were 1,500, 939, and 736 yards, to Forts Bennett, Haggerty, and Saratoga, with perimeters of 146, 128, and 154 yards. The greater portion of them were inclosed works of earth, though many, as Forts Craig, Tillinghast, Scott, south of the Potomac, and Forts Saratoga and Gaines on the north, were lunettes, with stockaded gorges. The armament was mainly made up of 24 and 32-pounders, on seacoast carriages, with a limited proportion of 24-pounder siege guns, rifled parrott guns, and guns on field carriages of light caliber. Such were the defenses of Washington at the beginning of the year 1862. [b]

By destroying the Long Bridge, Aqueduct Bridge, and Chain Bridge, it is manifest that, excepting annoyance from artillery fire, the capital would be safe from any force whatever its size, which might approach from the south. The only points therefore, available for an attack, were to be found on the north bank between Chain Bridge and the Eastern Branch, the latter, like the Potomac, being unfordable to near its intersection with the general line of works. To approach the city from the north, it would first be necessary to cross the Potomac either by one or more of the fords east of the Blue Ridge, or by making a still longer detour by way of the upper Potomac and the Shenandoah Valley. In either case the distance to be marched would prevent a coup de main, or surprise. If the enemy crossed east of

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 317.
[b] Barnard's Defenses of Washington, pp. 14, 15.

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the Blue Ridge, his retreat could be cut off by troops moving eastward from the Shenandoah Valley. If he sought to advance down the valley, he must first overcome any force assigned for its defense.

Elaborate as the system was designed to be, nearly all work was suspended upon it early in the spring of 1862. In fact, had the capital been captured for want of adequate entrenchments, the responsibility could in a measure have been traced directly to Congress, which, at the opening of the campaign of 1862, appropriated $150,000 for completing the defenses of Washington, with the proviso, "that no part of the sum hereby appropriated shall be expended on any work hereafter to be commenced."[a]

The number of men required to garrison the works was estimated by a special commission, appointed by the Secretary of War, in October, 1862, to be as follows:

> The total infantry garrisons required for their defense, computed at 2 men per yard of front perimeter, and 1 man per yard of rear perimeter, is about 25,000. The total number of artillerymen required (to furnish three reliefs for each gun) is about 9,000. It is seldom necessary to keep the infantry supports attached to the works. The artillerymen, whose training requires much time, having learned the disposition of the armament and computed the distances of the ground over which attacks may be looked for, and the ranges and service of their guns, should not be changed; they should remain permanently in the forts. The 25,000 infantry should be encamped in such positions as may be most convenient to enable them, in case of alarm, to garrison the several works; and a force of 3,000 cavalry should be available for outpost duty, to give notice of the approach of an enemy.
>
> Whenever an enemy is within striking distance of the capital, able by a rapid march to attempt a coup de main which might result in the temporary occupation of the city, the dispersion of the Government, and the destruction of the archives, all of which could be accomplished by a single day's possession, a covering army of not less than 25,000 men should be held in position, ready to march to meet the attacking column.
>
> Against more serious attacks from the main body of the enemy, the capital must depend upon the concentration of its entire armies in Virginia or Maryland. They should precede or follow any movement of the enemy seriously threatening the capital.[b]

It will be seen from the above report, that to prevent a successful coup de main, the maximum force for garrison purposes was placed at 37,000 infantry, cavalry, and artillery, while in addition there was to be a covering force of 25,000, or a total of 62,000. Having described the defenses and given the largest estimate of men needed to repel a sudden attack, we may now resume the discussion of the campaign.

When Wadsworth reported his force in "numerical strength and character" entirely inadequate to, and unfit for, the important duty to which it was assigned, the Secretary of War assumed no responsibility, but at once referred the question as to whether Washington had been left "entirely secure" by the commander of the Army of the Potomac, to General Thomas, the Adjutant-General of the Army, and General E. A. Hitchcock, recently assigned to special duty in the War Department.

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[a] Barnard's Defenses of Washington, p. 15. This legislation was inspired by news of Thomas's and Grant's victories at Mill Spring and Fort Donelson, and Du Pont's victory at Port Royal.

[b] Barnard's Defenses of Washington, p. 19. This commission was composed of "Brevet Brig. Gen. J. G. Totten, Chief Engineer, U. S. Army; Brig. Gen. M. C. Meigs, Quartermaster-General, U. S. Army, formerly of the U. S. Engineers; Brig. Gen. W. F. Barry, Chief of Artillery; Brig. Gen. J. G. Barnard, Chief Engineer Defenses of Washington; Brig. Gen. G. G. Cullum, U. S. Engineers, Chief of Staff to the General in Chief." (Barnard, p. 18.)

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The following documents were submitted to them, from which they were to form their conclusions: First, the President's order of March 8, directing that no change of base should be made without leaving Washington "entirely secure;" second, the report of the council of corps commanders convened at Fairfax Court House on the 13th of March; third, General McClellan's letter of April 1, stating that independent of the garrison of Washington, he had left a covering force of 55,456 men; fourth, the letter of General Wadsworth of April 2, already referred to.

The very day that this question was referred to these officers, April 2, they reported as follows:

> It is, we think, the judgment of officers that some 30,000 would be necessary thus to man these forts, which, with the number of the covering force, would make a total of 55,000.
>
> In regard to occupying Manassas Junction, as the enemy have destroyed the railroads leading to it, it may be fair to assume that they have no intention of returning for the reoccupation of their late position, and therefore no very large force would be necessary to hold that position.[a]

Referring to the 55,456 men, exclusive of the 19,022 present for duty under General Wadsworth, they added:

> In the above enumeration, General Banks's army corps is included, but whether this corps, operating in the Shenandoah Valley, should be regarded as part of the force available for the protection of the immediate front of Washington, the undersigned express no opinion.[b]

After quoting from General Wadsworth's letter, showing the state and organization of his force, they concluded as follows:

> If there was need of a military force for the safety of the city of Washington within its own limits, that referred to in the report of General Wadsworth would seem to be entirely inadequate.
>
> In view of the opinion expressed by the council of commanders of army corps, of the force necessary for the defense of the capital, though not numerically stated, and of the force represented by General McClellan as left for that purpose, we are of opinion that the requirements of the President that the city shall be left "entirely secure", not only in the opinion of the General in Chief, but those of the "commanders of the army corps" also, has not been complied with.[b]

The vital error in this report related to Banks's army.

Ignoring, or more probably overlooking, the fact that the destruction of the bridges over the Potomac would make the capital safe from attack in front, and that the only danger was from the rear, they evaded the question of Banks's 35,000 men, and then reported:

> We are of the opinion that the requirements of the President—that the city shall be left entirely secure, not only in the opinion of the General in Chief, but those of the "commanders of the army corps" also—have not been complied with.

On the false assumption that a force originally designed for one purpose could be used for no other, General Hitchcock in 1863, in explanation of his action, testified:

> I did not consider the force in the Shenandoah Valley as available for the immediate defense of the capital, being required for the defense of that valley.[c]

The haste with which the two officers performed the duty assigned to them, precluded any personal investigation of the defenses of Washington, but the map could have shown them, that from the Potomac

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 317.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 318.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 304.

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above Georgetown, extending via Arlington, Fort Albany, Fort Richardson, and Fort Scott, to the Potomac 2 miles south of Long Bridge, there was a high defensible ridge about 4½ miles long, and crowned by no less than 15 forts or regular earthworks. Even abandoning these, neither the Long Bridge, Aqueduct Bridge, nor Chain Bridge could have been captured without first assaulting Forts Runyon, Corcoran, and Ethan Allen, which were constructed at their respective debouches. These facts, as well as the official documents, should have been considered, before expressing an opinion which was destined to hopelessly unsettle the mind of the President.[a] They should have known that as a civil officer he could not pretend to analyze their report. He did not presume to act on his own judgment or that of the Secretary of War, and probably had not time to consider General Wadsworth's significant statement, "I regard it very improbable that the enemy will assail us at this point."[b]

If he read it or the more important admission of the two officers, that as the enemy had destroyed the railroads, it was "fair to assume that they have no intention of returning for the reoccupation of their late position," it is quite possible that neither statement made any impression on his mind.

There was but one part of the report that he could well comprehend, and that was the opinion unequivocally expressed, that his orders by the Secretary of War had not been complied with.

This bold statement, suddenly and unexpectedly presented, devolved upon the President new and grave responsibilities which, unaided, he was wholly at a loss to meet.

SECOND AULIC COUNCIL.

As one of the natural consequences of having no General in Chief, there sprang up about this time what has aptly been called the "Second Aulic Council." Its existence was soon recognized, for in the testimony given by General Meigs, before the Joint Committee on the Conduct of the War, on the 14th of July, 1862, occurs the question by Mr. Chandler: "You are a member of the military council of war?"

General Meigs replied:

> I am a member of the body to which you allude. It has no legal existence; but the Secretary of War has invited some of us to come there for that purpose.[c]

From the testimony given by General Hitchcock, January 21, 1863, the council appears more specifically to have been composed of "the chiefs of the various bureaus of the War Department." These chiefs

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[a] To avoid the possibility of misjudging in this controversy, the reader should bear in mind that in order to make Washington secure, Generals Thomas and Hitchcock estimated the garrison and covering force at 55,000. Nearly a year later the commission appointed by the Secretary of War estimated it at 62,000. General McClellan fully appreciating the strategic importance of a strong force in the Shenandoah Valley, as a defense to the capital, actually left as a garrison and covering force 73,456. Another important fact must not be overlooked. The subordinates of the Secretary of War did not base their report on the number of men actually left behind, but on the figures contained in the four documents submitted.

[b] Official documents do not show whether the report of General Wadsworth was volunteered by him or called for by the Secretary of War. The latter is to be presumed from the date, as also from the fact that the information was conveyed by letter, instead of in the form of a monthly return.

[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 296.

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were the Adjutant-General, Quartermaster-General, Commissary-General, Paymaster-General, Surgeon-General, Chief of Engineers, and Chief of Ordnance. Whether General Meigs's expression, "some of us," included all of the above officers cannot be stated, but as to their qualifications it may be said of them, that for years they had ceased to perform the practical duties of a soldier, and had given their exclusive attention to the administration of their departments. It was this council that the President was forced to consult, when he was informed that his order for the security of the capital had not been complied with. General Hitchcock, the associate of General Thomas, in his testimony already referred to, states:

This report of course went to the President, and on the next day—if I mistake not, the 3d of April—the President came to the War Office, and held quite a long consultation with the chiefs of the various bureaus of the War Department, the Secretary of War being present. At the conclusion of that consultation, the President himself ordered that one of the corps of the Army of the Potomac, which were then in front of Washington, should be detained for the defense of the capital.[a]

It would further appear from the testimony of General Hitchcock, that the President's fears as to the safety of the capital were not excited, till Wadsworth's report and the opinions of Generals Thomas and Hitchcock were both laid before him. He stated:

The report made by General Wadsworth to the Secretary of War on the 2d of April, which I understand is in possession of the committee, will show the condition and character of the troops under his command. When this state of things became known to the Secretary of War, Mr. Stanton, he required General Thomas and myself to make a report upon the execution of the President's order, the letter of General McClellan of the 1st of April, the report of General Wadsworth on the 2d of April, and one or two other papers connected with them, requiring us to give a distinct opinion whether General McClellan had complied or not, with the requirements of the order of the President.[b]

Whatever explanation may be attempted as to the action of the Secretary of War and his two military advisers, the results of their error were unhappily destined to be felt. Two months later, as well as two years later, the Confederates demonstrated that the Shenandoah Valley, in which Banks's 35,000 men were posted, was the only route by which the national capital could be safely approached.

Up to the date of the Thomas-Hitchcock report, the only force detached from the Army of the Potomac was Blenker's division, but now, under the baneful influence of its opinion, the work of disintegration began in earnest.

April 3, the President directed:

The Secretary of War will order that one or the other of the corps of General McDowell and General Sumner, remain in front of Washington until further orders from the Department, to operate, at or in the direction of Manassas Junction, or elsewhere, as occasion may require; that the other corps, not so ordered to remain, go forward to General McClellan as speedily as possible; that General McClellan commence his forward movements from his new base at once; and that such incidental modifications as the foregoing may render proper be also made.[c]

The same day, by telegram from the Adjutant-General, the President deprived McClellan of all control over General Wool's 10,000 men at Fort Monroe, and forbade any of his troops to be detached, without the Executive sanction.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 305.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 304.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 319.
[d] General McClellan states: "This order left me without any base of operations under my own control, and to this day I am ignorant of the causes which led to it."—McClellan's Report, p. 75.

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April 4, the Secretary of War, without quoting the authority of the President, issued General Orders, No. 34, directing that the portions of Virginia and Maryland lying between the Mountain Department and the Blue Ridge, should constitute the Department of the Shenandoah, commanded by Major-General Banks.

The second paragraph of the order directed that the portion of Virginia east, of the Blue Ridge, and west of the Potomac and the Fredericksburg and Richmond Railroad, including the District of Columbia, should constitute the Department of the Rappahannock, commanded by Major-General McDowell.[a] It is needless to speculate how far personal and political considerations dictated the above orders. It is enough to know that within four weeks from the time the President assumed control of military operations, the States of Virginia and Maryland were divided up into five separate departments, under five independent commanders, while, as a wheel within a wheel, General Wadsworth was independent at Washington, and General Wool at Fort Monroe.

This condition of affairs, with the admission of the President, that in ordering Blenker's division to the Mountain Department, he had yielded to a "pressure" which he could no longer resist, was calculated to demoralize military commanders. With no recognized military chief, they were directed by the order of March 11, to report "directly to the Secretary of War," who could give any orders he chose, without consulting the President.

PLAN OF CAMPAIGN AGAINST YORKTOWN.

Even if their reports reached the latter, they soon became painfully aware, that without political support, their recommendations might be wholly disregarded. In this way they were tempted to abandon the only legitimate channel of military communication, in the hope that by approaching the President through friends of the Administration, they might cause their views to prevail. As evidence of this fact, General Keyes, on the 7th of April, with the concurrence of General McClellan, addressed Senator Harris, of New York, from the headquarters of the Fourth Army Corps, Warwick Court-House, Va., as follows:

> The plan of campaign on this line was made with the distinct understanding that four army corps should be employed, and that the Navy should cooperate in the taking of Yorktown and also, (as I understood it) support us on our left by moving gunboats up James River.
>
> To-day I have learned that the First Corps, which by the President's order was to embrace four divisions, and one division (Blenker's) of the Second Corps, have been withdrawn altogether from this line of operations and from the Army of the Potomac. At the same time, as I am informed, the Navy has not the means to attack Yorktown, and is afraid to send gunboats up James River for fear of the *Merrimac*. The above plan of campaign was adopted unanimously by Major-General McDowell and Brigadier-Generals Sumner, Heintzelman, and Keyes, and was concurred in by Major-General McClellan, who first proposed Urbana as our base.
>
> This army being reduced to 45,000 troops, some of them among the best in the service, and without the support of the Navy, the plan to which we are reduced bears scarcely any resemblance to the one I voted for. * * *

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[a] By direction of the Secretary of War, no allusion being made to the President, a Middle Department, as early as the 22d of March, had already been carved out of the Department of the Potomac. It was commanded by General Dix, and embraced the States of New Jersey, Pennsylvania, Delaware, the eastern shore of Maryland, and Virginia, as also three other counties in Maryland, east of the Blue Ridge.

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Yorktown is fortified all around with bastioned works, and on the water side it and Gloucester are so strong, that the Navy are afraid to attack either. * * *

You will see, therefore, by what I have said, that the force originally intended for the capture of Richmond should be all sent forward. If I thought the four army corps necessary, when I supposed the Navy would cooperate, and when I judged of the obstacles to be encountered, by what I learned from maps and the opinions of officers long stationed at Fort Monroe, and from all other sources, how much more should I think the full complement of troops requisite, now that the Navy cannot cooperate. * * *

The line in front of us, in the opinion of all the military men here who are at all competent to judge, is one of the strongest in the world, and the force of the enemy capable of being increased, beyond the numbers we now have to oppose him. The greatest master of the art of war has said that, "If you would invade a country successfully, you must have one line of operations and one army, under one general." But what is our condition? The State of Virginia is made to constitute the command, in part or wholly, of some six generals, viz: Fremont, Banks, McDowell, Wool, Burnside, and McClellan, besides the scrap of the Chesapeake in the care of Dix. The greatest battle of the war is to come off here. If we win it, the Rebellion will be crushed, if we lose it, the consequences will be more horrible than I can tell. The plan of campaign I voted for, if carried out with the means proposed, will certainly succeed. If any part of the means proposed are withheld or diverted, I deem it due to myself to say, that our success will be uncertain.[a]

Besides the political aspect of this letter, which was designed to influence both the President and the Secretary of War, it should be observed that General Keyes, in addition to pointing out the danger from the division of our forces, distinctly affirmed that by withdrawing 45,000 men, or five of the thirteen divisions of which the army was composed, the plan of campaign which General McClellan was required to execute, was neither his own plan nor that unanimously recommended by the four corps commanders, to which the President gave his assent.

After the withdrawal of McDowell had been accomplished, there is evidence that the President would have been glad to repair his mistake; but the views of the Secretary of War, supported by his council, prevailed. General Hitchcock states:

As soon as General McClellan heard of this he complained of it. He wished the whole of McDowell's corps sent to him. If he could not get the whole of it, he wanted McCall's and Franklin's divisions, leaving one division only here; failing in that, he wished particularly to have Franklin's division ordered to join him. The President again came to the War Office, on the 11th of April, if I mistake not, and held another conference of considerable length with the same officers as before—the chiefs of bureaus and the Secretary of War. It was plain that the President was extremely anxious to gratify General McClellan and to give him every possible support in his power, not losing sight of his imperative duty to see that the capital was sufficiently guarded. The result of that conference was that he ordered Franklin's division to join McClellan, and it was accordingly sent down to him.[b]

Following this withdrawal of more than 40,000 men, was the siege of Yorktown, from April 5 to May 4; the battles of Williamsburg, May 5, and of West Point, May 7; the occupation of Norfolk, and the destruction of the *Merrimac*, May 11. With this ironclad out of the way, another line of communication, via the James River, was opened almost

[a] McClellan's Report, pp. 80, 81, 82.

[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 305. June 27, 1862, General McDowell testified before the Joint Committee on the Conduct of the War:

"Question. Did you use any influence or seek in any way to have your corps detached from General McClellan command, to remain here?

"Answer. No, sir; none whatever.

"Question. Neither directly nor indirectly; neither by yourself nor through any other person?

"Answer. No, sir; I speak it without reservation." (Report of the Joint Committee on the Conduct of the War, vol. 1, p. 262.)

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to the suburbs of Richmond. The water line via the York and Pamunkey Rivers terminated at White House, whence by rail it was 20 miles to Richmond.

By selecting the first line, the left flank of the army, on approaching the Confederate capital, would have been securely protected by the James River. The Chickahominy, too, would have been a safe obstacle upon which to rest the right flank. By the line of the York River, both flanks would necessarily be in the air, with the possibility of being separated by the Chickahominy. A choice, however, between these two lines was denied the commander. May 17, the Secretary of War, by direction of the President, sent him the following minute instructions:

Your despatch to the President asking reenforcements has been received and carefully considered. The President is not willing to uncover the capital entirely, and it is believed that even if this were prudent, it would require more time to effect a junction between your army and that of the Rappahannock, by the way of the Potomac and York rivers, than by a land march. In order, therefore, to increase the strength of the attack upon Richmond, at the earliest moment, General McDowell has been ordered to march upon that city by the shortest route. He is ordered, keeping himself always in position to save the capital from all possible attack, so to operate, as to put his left wing in communication with your right, and you are instructed to cooperate, so as to establish this communication as soon as possible.

By extending your right wing to the north of Richmond, it is believed that the communication can be safely established either north or south of the Pamunkey River. In any event you will be able to prevent the main body of the enemy's forces from leaving Richmond and falling in overwhelming force upon General McDowell. He will move with between 35,000 and 40,000 men.[a]

The same day, the Secretary, by direction of the President, wrote to General McDowell:

Upon being joined by General Shields' division, you will move upon Richmond by the general route of the Richmond and Fredericksburg Railroad, cooperating with the forces under General McClellan, now threatening Richmond, from the line of the Pamunkey and York rivers. While seeking to establish, as soon as possible, a communication between your left wing and the right wing of General McClellan, you will hold yourself always in such position as to cover the capital of the nation, against a sudden dash of any large body of the rebel forces.

General McClellan will be furnished with a copy of these instructions, and will be directed to hold himself in readiness to establish communication with your left wing, and to prevent the main body of the enemy's army from leaving Richmond, and throwing itself upon your column before a junction of the two armies is effected. A copy of his instructions, in regard to the employment of your forces is annexed.[b]

Pursuant to the explicit terms of these instructions, the Army of the Potomac advanced via the line of the Pamunkey; on the 20th, the left wing crossed the Chickahominy; on the 31st of May and 1st of June, when a flood had made the river almost impassable, the enemy assailed the left wing at Fair Oaks, but were repulsed and retreated in confusion. May 27, four days before this attack, the successful battle at Hanover Court House opened a direct line of communication with General McDowell. In connection with this campaign there are two Napoleonic maxims we should impress upon our minds. The first is:

Nothing is so important in war as an undivided command; for this reason, when war is carried on against a single power, there should be only one army, acting upon one base, and conducted by one chief.[c]

The second is:

When you have resolved to fight a battle, collect your whole force. Dispense with nothing. A single battalion sometimes decides the day.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 326, 327.
[b] McClellan's Report, p. 97.
[c] Napoleon's Maxims of War, p. 156.
[d] Napoleon's Maxims of War. p. 85.

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We have already seen that from the 11th of March, up to the 17th of May, every order of the President, or Secretary of War, relating to military movements, was in violation of one or both of these maxims. What, in the meantime, was the action of the military commander?

April 5, just after arriving in front of the entrenchments at Yorktown, he telegraphed the President:

* * * I beg that you will reconsider the order detaching the First Corps from my command. In my deliberate judgment, the success of our cause will be imperiled by so greatly reducing my force, when it is actually under the fire of the enemy and active operations have commenced. Two or three of my divisions have been under fire of artillery most of the day. I am now of the opinion that I shall have to fight all the available force of the rebels not far from here. Do not force me to do so with diminished numbers; but whatever your decision may be, I will leave nothing undone to obtain success. If you can not leave me the whole of the First Corps, I urgently ask that I may not lose Franklin and his division. [a]

April 6 he telegraphed the President:

The order forming new departments, if rigidly enforced, deprives me of the power of ordering up wagons and troops absolutely necessary to enable me to advance to Richmond. * * * The enemy is strong in my front, and I have a most serious task before me, in the fulfillment of which I need all the aid the Government can give me. I again repeat the urgent request that General Franklin and his division may be restored to my command. [b]

April 7 he telegraphed the Secretary of War:

* * * Since my arrangements were made for this campaign at least 50,000 men have been taken from my command. * * * When my present command all join, I shall have about 85,000 men for duty, from which a large force must be taken for guards, escort, etc. With this army I could assault the enemy's and perhaps carry them; but were I in possession of their entrenchments, and assaulted by double my numbers, I should have no fear as to the result. Under the circumstances that have been developed since we arrived here, I feel fully impressed with the conviction that here is to be fought the greatest battle that is to decide the existing contest. I shall, of course, commence the attack as soon as I can get up my siege train, and shall do all in my power to carry the enemy's works; but to do this with a reasonable degree of certainty requires, in my judgment, that I should, if possible, have at least the whole of the First Army Corps to land upon York River and attack Gloucester in the rear. My present strength will not admit of a detachment sufficient for this purpose, without materially impairing the efficiency of this column. Commodore Goldsborough thinks the work too strong for his available vessels, unless I can turn Gloucester. [c]

The same day he telegraphed the President:

* * * My entire force for duty only amounts to about 85,000 men. General Wool's command, as you will observe from accompanying order, has been taken out of my control, although he has most cheerfully cooperated with me. The only use that can be made of his command is to protect my communication in rear of this point. At this time only 53,000 men have joined me, but they are coming as rapidly as my means of transportation will permit. [d]

April 9 the President replies:

Your despatches complaining that you are not properly sustained, while they do not offend me, pain me very much. * * * And now, allow me to ask you, "Do you really think I should permit the line from Richmond, via Manassas Junction, to this city, to be entirely open, except what resistance could be presented by less than 20,000 unorganized troops?" This is a question which the country will not allow me to evade.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 319.

[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 319. To this despatch the President replied: "You now have over 100,000 troops with you, independent of General Wool's command. I think you better break the enemy's line from Yorktown to Warwick River at once. They will probably use time as advantageously as you can." (Same, p. 320.)

[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 320.

[d] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 321.

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There is a curious mystery about the number of troops now with you. I telegraphed you on the 6th, saying that you had over 100,000 with you. I had just obtained from the Secretary of War a statement taken, as he said, from your own returns, making 108,000 then with you and en route to you. You now say you will have but 85,000 when all en route to you shall have reached you. How can this discrepancy of 23,000 be accounted for? As to General Wool's command, I understand it is doing for you precisely what a like number of your own would have to do if, that command was away. I suppose the whole force which has gone forward to you is with you by this time; and if so, I think it is the precise time for you to strike a blow. By delay, the enemy will steadily gain on you—that is, he will gain faster by fortifications and reenforcements than you can by reenforcements alone.

And once more let me tell you, it is indispensable to you that you strike a blow. I am powerless to help this. You will do me the justice to remember I always wished not going down the bay in search of a field, instead of fighting at or near Manassas, as only shifting and not surmounting a difficulty; that we would find the enemy and the same or equal entrenchments at either place. The country will not fail to note, is noting now, that the present hesitation to move upon an entrenched enemy, is but the story of Manassas repeated. I beg to assure you that I have never written or spoken to you in greater kindness of feeling than now, nor with a fuller purpose to sustain you, so far as in my most anxious judgment I consistently can. But you must act. [a]

No one can fail to sympathize with the President in his trying situation. Contrary to his judgment, at the moment our trained armies were preparing to move, he had been persuaded in quick succession to proclaim a general advance; to depose the General in Chief; to detach Blenker's division, and next, to withdraw the whole of McDowell's corps.

For want of military experience, he could neither appreciate nor forecast the effect of any one of these measures. He had approved the recommendations of the four corps commanders, but in carrying them so far only, as to send three corps to Fort Monroe, he could not see that he had placed the Army of the Potomac in a cul-de-sac, the only debouche from which the enemy had been fortifying for more than a year. When told that McDowell's corps, employed north of the York River, was the key to unlock the military situation, the advisory council had sufficient influence to persuade him to compromise, by forwarding a single division. Although constitutional Commander in Chief, he did not and could not solve the military problems of the war. The pen which could trace the Emancipation Proclamation instinctively avoided strategical discussions. To his mind the narrow peninsula between the York and James rivers afforded as many chances for brilliant maneuvers as the broad plains of Manassas.

METHOD OF McCLELLAN'S APPOINTMENT TO THE REGULAR ARMY.

The burden of the letter just quoted was a discussion of numbers, independent of their use. From mere numbers, from the erroneous statement "that the present hesitation to move upon an entrenched enemy, is but the story of Manassas repeated," Mr. Lincoln passed to a warning full of friendship and kindness. He knew that the influences which had deposed the General in Chief, and destroyed all unity of command, were actively at work to secure his further removal from the Army of the Potomac. Although the President had the power to send forward more troops, as a non-military man he felt that he could not take this upon himself, in direct opposition to his Cabinet and its military entourage. He could only close with the urgent admonition, "You must act."

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 321, 322.

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It may naturally be asked by the unprofessional reader, why the President did not spare himself further correspondence, by relieving his importunate subordinate. The answer is, that at this time he was scarcely better able to dispense with his services, than was the Continental Congress to part with Washington, in the days of the Conway cabal. Our system was all chance. If any of our professional soldiers found themselves in a position to lead our armies to victory, it was by accident or through political influence. McClellan himself, in 1861, owed his first appointment, as major-general of militia, to the Governor of Ohio. The Governor of Pennsylvania wanted him at the same time, but made his offer two days too late. McClellan telegraphed to Governor Curtin:

> Before I heard that you wanted me in any position, I had accepted the command of the Ohio forces. They need my services and I am bound in honor to stand by them.[a]

In those early days the Government was alone blind to the advantages of professional education. After the fall of Fort Sumter, it still gave the Confederacy its Johnstons and Lees. When, on the other hand, Governor Dennison, of Ohio, asked for the detail of two lieutenants, who subsequently became generals, the Secretary of War replied that he had no time to be detailing lieutenants.[b] Local interests, however, triumphed over national indifference. As in the Revolution, we were going to war, not as a nation, but as a confederacy. The glory of the State was to be set above the glory of the Union. Not willing that Ohio should be outdone, Governor Dennison, on the 11th of May, telegraphed to Ohio's representative in the Cabinet, Mr. Chase:

> Can McClellan get a commission for three years at once, so as to make him rank over all others, and make sure of his holding the chief command here? Ohio must lead throughout the war.

May 14 Mr. Chase, who had already secured the adoption of a State, instead of a national system of volunteers, telegraphed back:

> We have to-day had McClellan appointed a major-general in the Regular Army.[a]

Such were the influences which placed the commander of the Army of the Potomac in his high position. But he had passed now from the military organization of a State, to that of the United States. A year had changed the situation. If State influence gave the commander his first commission, it was no longer an obstacle to his removal, but when the President looked about for a successor, no soldier had yet proved himself worthy. In the West, General Grant had won no fame as an independent commander; his victory at Shiloh at this particular moment being considered a defeat. Sherman, still laboring under the charge of insanity, had not risen above a division. Sheridan, the future cavalry leader of the war, was unknown.

Though these considerations were sufficient to keep McClellan in command, the President was wise enough not to believe himself or his military advisers infallible. If they were in the wrong, it might be possible that the commander was in the right. All the President wanted was action, for the result, he was willing to trust to the future.

After the battle of Williamsburg and West Point, McClellan fully

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[a] Ohio in the War, by Whitelaw Reid, p. 33.
[b] Same, p. 31.

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alive to the importance of concentration, again telegraphed the Secretary of War:

From the information reaching me from every source, I regard it as certain that the enemy will meet us with all his force on or near the Chickahominy. They can concentrate many more men than I have, and are collecting troops from all quarters, especially well-disciplined troops from the South. Casualties, sickness, garrisons, and guards have much reduced our numbers, and will continue to do so. I shall fight the rebel army with whatever force I may have, but duty requires me to urge that every effort be made to reenforce me without delay, with all the disposable troops in eastern Virginia, and that we concentrate all our forces, as far as possible, to fight the great battle now impending, and to make it decisive.

It is possible that the enemy may abandon Richmond without a serious struggle; but I do not believe he will, and it would be unwise to count upon anything but a stubborn and desperate defense, a life and death contest. I see no other hope for him than to fight this battle, and we must win it. I shall fight them, whatever their force may be, but I ask for every man that the Department can send me. No troops should now be left unemployed. Those who entertain the opinion that the rebels will abandon Richmond without a struggle, are, in my judgment, badly advised, and do not comprehend their situation, which is one requiring desperate measures.[a]

May 14, he telegraphed the President:

I have more than twice telegraphed to the Secretary of War, stating that, in my opinion, the enemy were concentrating all their available force to fight this army in front of Richmond, and that such ought to be their policy. I have received no reply whatever to any of these telegraphs. I beg leave to repeat their substance to Your Excellency, and to ask that kind consideration which you have ever accorded to my representations and views. All my information from every source accessible to me, establishes the fixed purpose of the rebels to defend Richmond against the army, by offering us battle with all the troops they can collect from east, west, and south, and my own opinion is confirmed by that of all commanders whom I have been able to consult.

Casualties, sickness, garrisons, and guards have much weakened my force, and will continue to do so. I cannot bring into actual battle against the enemy, more than 80,000 men at the utmost, and with them I must attack in position, propably entrenched, a much larger force, perhaps double my numbers. * * * The Confederate leaders must employ their utmost efforts against the army in Virginia. I most respectfully and earnestly urge upon Your Excellency, that the opportunity has come for striking a fatal blow at the enemies of the Constitution, and I beg that you will cause this army to be reenforced without delay, by all the disposable troops of the Government. I ask for every man that the War Department can send me. Any commander of the reenforcements whom Your Excellency may designate will be acceptable to me, whatever expression I may have heretofore addressed to you on that subject. * * * Strong reenforcements will at least save the lives of many of them. The greater our force, the more perfect will be our combinations, and the less our loss.[b]

To these pleadings for the observance of self-evident military principles, the President answered, May 15:

* * * Will say, now, that all your despatches to the Secretary of War have been promptly shown to me. Have done and shall do all I could and can to sustain you. * * * I am still unwilling to take all our force off the direct line between Richmond and here.[c]

While begging, through the Secretary of War, for the observance of military principles, General McClellan did not neglect other avenues for approaching the President. May 18, in reply to a despatch from Mr. Seward, Secretary of State, he telegraphed:

* * * Indications that enemy intend fighting at Richmond. Policy seems to be to concentrate everything there. They hold central position and will seek to meet us while divided. I think we are committing a great military error in having so many independent columns. The great battle should first be fought by our troops in mass, then divided if necessary.[d]

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[a] McClellan's Report, p. 94.
[b] McClellan's Report, p. 95.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 326.
[d] Same, p. 327

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The effect of this correspondence has already appeared in the orders given McDowell, but nearly all the advantages of the proposed concentration were in danger of being neutralized, by the instructions sent at the same time to McClellan.

In concluding the despatch of the 17th, part of which has already been quoted, the Secretary stated:

A copy of the instructions to Major-General McDowell is enclosed with this. The specific task assigned to his command has been to provide against any danger to the capital of the nation. At your earnest call for reenforcements, he is sent forward to cooperate in the reduction of Richmond, but charged in attempting this, not to uncover the city of Washington; and you will give no order, either before or after your junction, which can put him out of position to cover this city. You and he will communicate with each other by telegraph or otherwise, as frequently as may be necessary for efficient cooperation. When General McDowell is in position on your right, his supplies must be drawn from West Point, and you will instruct your staff officers to be prepared to supply him by that route. The President directs that General McDowell retain the command of the Department of the Rappahannock and of the forces with which he moves forward.[a]

During the Crimean War, the protracted siege of Sebastopol, which lasted eleven months, was universally ascribed to the independence of the allied commanders and their consequent want of cooperation. The execution of the above instructions would have produced an exact parallel to the Crimea with this difference, that national pride did not, with us, as with the allies, forbid the merging of our armies. The allied commanders moreover were hampered by no orders from a distant capital directing how they should cooperate. If the flank of either army were attacked, the other army could be ordered to its support, but had the Confederates attacked the left of the Army of the Potomac, its commander could not have shifted the corps of General McDowell from its position on the right, because his instructions stated:

You will give no order, either before or after your junction, which can put him out of position to cover this city.

Nor was this the greatest peril to which our cause might have been exposed. Had the enemy by an overwhelming concentration resolved to fall upon and crush the Army of the Potomac, McDowell's 40,000 men could have been detached at any moment, by making a slight demonstration in rear of the right. Had the commander of the Army of the Potomac discovered the hostile plan, he could have issued no order to prevent the separation of our forces, because McDowell with his troops was only directed to cooperate. Although it exposed him to the charge of captiousness, no one now will deny that McClellan would have been criminal, had he not pointed out errors which surely led to disaster.

On the 21st of May, he again telegraphed to the President:

I regret the state of things as to General McDowell's command. We must beat the enemy in front of Richmond. One division added to this army for that effort, would do more to protect Washington, than his whole force can possibly do anywhere else in the field. The rebels are concentrating from all points for the two battles at Richmond and Corinth. I must still most respectfully suggest the policy of our concentrating here by movements by water. * * * I regret also the configuration of the Department of the Rappahannock. It includes a portion even of the city of Richmond. I think that my own department should embrace the entire field of active military operations designed for the capture and occupation of that city. Again, I agree with your Excellency, that one bad general is better than two

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 327.

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good ones. I am not sure that I fully comprehend your orders of the 17th instant, addressed to myself and General McDowell. If a junction is effected before we occupy Richmond, it must necessarily be east of the railroad to Fredericksburg and within my department. This fact, my superior rank, and the express language of the sixty-second article of war, will place his command under my orders, unless it be otherwise specially directed by your Excellency, and I consider that he will be under my command, except that I am not to detach any portion of his forces, or give any orders which can put him out of position to cover Washington. If I err in my construction, I desire to be at once set right. [a]

In the same despatch he likewise exposed the fundamental error of the War Department, which, as will appear further on, was the conviction that if the back of an army was toward Washington, that army must of necessity cover the capital:

Frankness compels me to say, anxious as I am for an increase of force, that the march of McDowell's column upon Richmond by the shortest route will, in my opinion, uncover Washington as to any interposition by it as completely as its movement by water. The enemy cannot advance by Fredericksburg upon Washington. Should they attempt a movement, which to me seems entirely improbable, their route would be by Gordonsville and Manassas. I desire that the extent of my authority over General McDowell may be clearly defined, lest misunderstanding and conflicting views may produce some of those injurious results, which a divided command has so often caused. I would respectfully suggest that the danger can only be surely guarded against, by explicitly placing General McDowell under my orders, in the ordinary way, and holding me strictly responsible for the closest observance of of your instructions. [a]

The President yielding to the force of his arguments, replied the same day:

Your long despatch of yesterday is just received. You will have just such control of General McDowell and his forces as you therein indicate. [b]

May 24, having just returned to Washington from Fredericksburg, where he had been to see General McDowell, the President again telegraphed:

I left General McDowell's camp at dark last evening. Shields's command is there, but is so worn that he cannot move before Monday morning, the 26th. We have so thinned our line to get troops for other places that it was broken yesterday at Front Royal, with a probable loss to us of a regiment of infanfry, two companies of cavalry, and putting Banks in some peril. * * * McDowell and Shields both say they can and positively will move Monday morning. I wish you to move continuously and safely. You will have command of General McDowell after he joins you, precisely as you indicate in your long despatch to me of the 21st. [b]

Had this last order been carried out, it would have repaired the mischief of dividing our forces into seven independent bodies and, at last, in conformity with Napoleon's maxim, the enemy would have been confronted by "one army acting from one base and conducted by one chief." Unhappily our foes knew but too well how to prevent this result.

OCCUPATION OF FREDERICKSBURG.

Let us pause here for a moment to call attention to the exercise, by the Secretary of War, of the right to military command. The fathers of the Constitution were satisfied that they secured the subordination of the military to the civil power, when they provided that the President, as Chief Magistrate, should be the Commander in Chief of the

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 328.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 329.

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Army and Navy. Those who urge that the supremacy of the civil power should still further be secured, by permitting the Secretary of War to command, will find the practical working of their system illustrated in General McDowell's movement to Fredericksburg. April 11, a week after his corps was detached from the Army of the Potomac, the Secretary of War, without quoting the President, telegraphed:

> For the present and until further orders from this Department, you will consider the national capital as especially under your protection, and make no movement throwing your force out of position, for the discharge of this primary duty.[a]

After putting his corps in motion to Catlett's, in the direction of the Rappahannock, McDowell perceived the importance of occupying Fredericksburg, but doubted whether he could do so under his instructions to act as a covering force for Washington.

He testified before the Joint Committee on the Conduct of the War:

> I asked the Secretary one day if it would be within the scope of the defensive instructions under which I was acting, if I was to take Fredericksburg. He told me verbally, that I might. I felt that it was going beyond the letter of my instructions, but under the verbal instruction, I went down opposite Fredericksburg.[b]

This verbal authority of the Secretary was supplemented, on the 23d of April, by the following despatch:

> The President desires that you should not throw your force across the Rappahannock at present, but that you should get your bridges and transportation all nearly ready and wait further orders.[c]

We have seen that in 1828 the death of the General in Chief, General Brown, raised the question whether the office of major-general should be longer retained. The Military Committee of the Senate, after a thorough investigation, recommended to the Senate the following resolution:

> *Resolved*, That it is inexpedient to abolish the office of major-general in the Army.[d]

As already stated, Mr. Porter, the Secretary of War, in opposing the abolition of the office, wrote to the committee:

> * * * The present state of the Army would be to divide it into two separate, independent, and probably conflicting commands under the two brigadiers, unless they should be connected through the instrumentality of the Adjutant-General or some other subordinate officer, stationed at the seat of government under the Secretary of War, and who would, in fact, perform the appropriate duties of the chief of the Army.[e]

This prediction was almost literally fulfilled in the President's orders of April 23. March 17, four days after the office of General in Chief was dispensed with, General Hitchcock was detailed in the War Department as the special military adviser of the Secretary of War. April 2, as already stated, he joined the Adjutant-General in reporting, that the President's orders for the security of the capital had not been complied with. This report was followed, first, by the entire derangement of McClellan's plans, and next, by the division of our forces in Virginia into seven independent commands, with one in Maryland.

The next proof that a "subordinate officer stationed at the seat of government under the Secretary of War," was performing "the

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 271.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 262.
[c] Same, p. 271.
[d] American State Papers, vol. 3, pp. 820–822.
[e] American State Papers, vol. 4, p. 91.

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appropriate duties of the chief of the Army," is furnished in Hitchcock's testimony before the Joint Committee on the Conduct of the War. Alluding to a lack of transportation he testified:

> I state these things because, not long before I left Washington, when there was a conversation in the War Office, the President being present, with respect to General McDowell,—the President and the Secretary of War being anxious that General McDowell should advance—I stated this inconvenience, and urged that, situated as he was, without the means of going forward, it would be better that he should not cross the river at all, but wait in that position until he could be supplied with means to enable him to advance; that it would have a bad appearance for him to cross the river and then not to advance, and a still worse appearance if he should cross and then be obliged to fall back. It was in consequence of that, that General McDowell was directed not to cross the river until further orders, but to wait on this side of the river, making only a demonstration as if he designed to cross. [a]

This order could not but fret the military commander. Scarcely a mile distant across the river, he could see the heights which, in December, the Army of the Potomac was destined to vainly assault with enormous loss. Several times he represented the importance of occupying them, but military reasons produced no effect. Finally resolving to approach the Secretary with reasons of a political nature, he sent General Van Rensselaer of his staff to Washington, "to ask permission to occupy the town so as to at least guard stores and protect Union men." The effort was successful. Gen. Van Rensselaer telegraphed back:

> The Secretary of War has given me authority to inform you, that you can occupy Fredericksburg with such force as in your judgment may be necessary to hold it for defensive purposes, but not to make a forward movement. [b]

The Secretary had yet to learn from subsequent disasters, that the only sure protection to Union men lay in the victories of our armies.

To recapitulate, it appears that the movement to Fredericksburg was suggested by General McDowell, the permission to make the movement was given by the Secretary of War, the order not to cross the river was given by the President, the next order to cross the river was given by the Secretary; finally, "at the earnest call for reenforcements" from the commander of the Army of the Potomac, the order to advance upon Richmond was given by the President.

The only parallel to this system will be found in the history of the Punic wars, when the two Roman consuls,—chief magistrates of equal dignity,—shared the honors of command on alternate days. The total destruction of their army at Cannae, convinced the Republic of its folly.

Fatal as was this feature of the Roman system, it involved less danger than our own.

The Roman consuls were elected by the people, because of their long experience and special qualifications for command.

The President and Secretary of War, on the other hand, were simply eminent civilians, distinguished leaders at the bar, who, like the mass of our citizens, had given very little thought to the national defense. In military matters, or the direction of armies, they made no profession of knowledge, but before ordering any important movement, consulted either a special adviser, or their military council.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 308.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1. p. 272.

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CHAPTER XXI.

REVIEW OF THE CAMPAIGN OF THE ARMY OF THE POTOMAC FROM THE BEGINNING OF THE SECOND PERIOD OF 1862 TO ITS RETREAT TO HARRISON'S LANDING.

Virginia and Maryland having been portioned off into five independent departments, the sequel will show how easily the enemy profited by the division of our forces. Although he had but 16,000 men, Jackson, with superior numbers, first fell upon the two brigades of the Mountain Department at McDowell and forced them to retreat to Franklin. He next attacked with his whole command, the 6,000 under Banks at Winchester and drove them in rout across the Potomac. In cooperation with a detachment from Richmond, his policy should have been to attack General McDowell next, but there was no occasion for him to turn his attention to the troops in this department. No battle could have scattered them more effectually than did the orders from Washington.

May 24, the President telegraphed McDowell:

* * * You are instructed, laying aside for the present movement on Richmond, to put 20,000 men in motion at once for the Shenandoah, moving on the line, or in advance of the line, of the Manassas Gap railroad.[a]

McDowell, from opposite Fredericksburg, replied:

I obeyed your order immediately, for it was positive and urgent, and, perhaps, as a subordinate, there I ought to stop; but I trust I may be allowed to say something in relation to the subject, especially in view of your remark that everything now depends upon the celerity and vigor of my movement. I beg to say that cooperation between General Fremont and myself, to cutoff Jackson and Ewell, is not to be counted upon, even if it is not a practical impossibility; next, that I am entirely beyond helping distance from General Banks, and no celerity or vigor will avail so far as he is concerned; next, that by a glance at the map it will be seen that the line of retreat of the enemy's forces up the valley is shorter than mine to go against him. It will take a week or ten days for the force to get to the valley by the route which will give it food and forage, and by that time the enemy will have retired.

I shall gain nothing for you there and shall lose much for you here. It is therefore not only on personal grounds that I have a heavy heart in the matter, but that I feel that it throws us all back; and from Richmond north we shall have all our large masses paralyzed, and shall have to repeat what we have just accomplished. I have ordered General Shields to commence the movement by to-morrow morning. A second division will follow in the afternoon.[b] * * *

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 274.

[b] Those who, from military convictions, opposed the conduct of military affairs at the capital did so at their peril. General McDowell testified, in reference to the above despatch: "That telegram of mine gave a great deal of distress to a few of my friends in the Cabinet. I wrote it, however, because it seemed to me that a very great responsibility was thrown upon me. A plan of campaign was laid down in regard to which it seemed to me, that the chances were a great many to one that it would not succeed, and yet the chances of success were thrown upon the result of my activity and vigor." (Report of the Joint Committee on the Conduct of the War, vol. 1, p. 264.)

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Although not too late, the despatch produced no change in the President's determination. He replied:

I am highly gratified by your alacrity in obeying my order. The change was as painful to me as it can possibly be to you, or to anyone. Everything now depends upon the celerity and vigor of your movement. [a]

The same day, May 24, the President telegraphed the commander of the Army of the Potomac that McDowell and Shields would move to join him. On the 26th, he again telegraphed:

In consequence of General Banks's critical position I have been compelled to suspend General McDowell's movement to join you. The enemy are making a desperate push upon Harper's Ferry, and we are trying to throw Fremont's force and part of McDowell's in their rear. [b]

May 25, the date of the battle of Winchester, and three days before Jackson himself knew whether he would march upon Harper's Ferry, for the question had to be referred to General Lee, his military superior, at Richmond, the President again telegraphed the commander of the Army of the Potomac:

* * * Stripped bare, as we are here, it will be all we can do to prevent them, [the enemy] crossing the Potomac at Harper's Ferry or above. We have about 20,000 of McDowell's force moving back to the vicinity of Port Royal, and Fremont, who was at Franklin, is moving to Harrisonburg. Both of these movements are intended to get in the enemy's rear. One more of McDowell's brigades is ordered through here to Harper's Ferry. The rest of his forces remain for the present at Fredericksburg. We are sending such regiments and dribs from here and Baltimore, as we can spare, to Harper's Ferry, supplying their places in some sort, by calling in militia from the adjacent States. * * * This is now our situation. If McDowell's force were now beyond our reach we should be utterly helpless. Apprehension of something like this, and no unwillingness to sustain you, has always been my reason for withholding McDowell's forces from you. Please understand this, and do the best you can with the forces you have. [c]

Thus, instead of keeping 40,000 men in a compact body to operate against Jackson, or, as should have been done, to cut him off by a direct march upon Richmond, McDowell's force was scattered to the most remote points of his department, before even the enemy had determined upon his own plan of campaign.

In seeking to trace all the great mistakes and blunders committed during the war, to defects of our military system, it is important to bear in mind the respective duties and responsibilities of soldiers and statesmen. The latter are responsible for the creation and organization of our resources, and, as in the case of the President, may further be responsible for their management or mismanagement. Soldiers, while they should suggest and be consulted on all the details of organization under our system, can alone be held responsible for the control and direction of our armies in the field.

At the time of Jackson's raid in the Shenandoah Valley, there were four persons responsible for the movements of our troops east of the Blue Ridge. Two of these were the President and Secretary of War. The others were professional soldiers. Whether statesmen or soldiers, according to their military knowledge, judgment, and greater or less self-possession, the movements of the enemy might be made to inure to the advantage or disadvantage of the Union.

Let us now ask what, at the time, was the effect produced on their

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 275.
[b] Same, p. 329.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 330, 331.

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minds, by the sudden appearance of the enemy in the valley. May 25, General McClellan, conscious that the Army of the Potomac was in a position to clutch the Confederacy by the throat, telegraphed the President:

> The object of the enemy's movements is probably to prevent reenforcements being sent to me.[a]

McDowell promptly obeyed orders, but with a heavy heart beheld the dispersion of his army.

The Secretary of War, in default of a system of reserves, now turned to the militia, and on the 25th of May telegraphed the several governors:

> Intelligence from various quarters leaves no doubt that the enemy in great force are marching on Washington. You will please organize and forward immediately all the militia and volunteer force in your State.[b]

To expedite the movements of the militia, the President, the same day, took military possession of all the railroads in the United States, and ordered that the transportation of troops and munitions of war, should be given precedence over all other business. He also telegraphed to McClellan:

> I think the time is near when you must either attack Richmond, or give up the job and come to the defense of Washington. Let me hear from you instantly.[a]

An important fact now deserves notice. It will be remembered that the orders establishing the Departments of the Rappahannock and the Shenandoah, were issued by the Secretary of War, on the report made by Generals Thomas and Hitchcock, that the instructions of the President, as to the security of Washington, had not been complied with, a conclusion that could only have been reached by the failure to appreciate the fact that the 35,000 men in the Shenandoah Valley were available for the protection of the capital. While this report changed the plan of campaign, we now have the evidence that the Secretary's action was ill-advised. What he could not see, before he submitted the above report to the President, he was made to see three months later.

As predicted by General McDowell, Fremont reached Strasburg, and Shields, Front Royal, June 1, too late to intercept Jackson, who slipped between them the day before. Still separated by the Shenandoah River and the Massanutten Mountain, they took up the pursuit, giving Jackson the opportunity to strike the former at Cross Keys, June 8, the latter at Port Republic June 9. Jackson could now afford to take a week's rest. In one month, thanks to our false strategy, he had beaten two insignificant detachments and thereby induced us to scatter more than 60,000 men belonging to three different departments. This result, up to date of his appearance at Harper's Ferry, he achieved with the loss of but 400 killed and wounded.

The Army of the Potomac, ordered to advance up the line of the Pamunkey and then left in the lurch by the final dispersion of McDowell's command, was the next mark for the enemy. As predicted by its commander, Confederate troops were now concentrated from the east, the west, and the south. On the 26th of June, flushed with their victories in the valley, they began the seven days' battle,

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 330.
[b] Draper's History of the American Civil War, vol. 2, p. 395.

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which ended in the retreat of the Army of the Potomac to the James River.

So long as historians insist upon making our commanders alone responsible for disasters in time of war, so long will the people and their representatives fail to recognize the importance of improving our system.

Having sought to trace the defects, inherent in our military system, let us next examine the conduct of General McClellan, the military commander. If we look back to the blunders of the generals of the Revolution and the War of 1812, none of whom in battle ever commanded 10,000 men, what had we to expect from an untried soldier, who, as General in Chief, was suddenly placed in command of more than half a million? What had the Government done for him to inspire the confidence of the people? He was a graduate of the Military Academy of the class of 1846, was an officer of engineers during the Mexican War, a captain of cavalry in 1855, and had resigned from the Army in January, 1857. His services as an engineer in the construction of fortifications,—an essentially defensive art,—inclined him to the order of defensive commanders. The disadvantage of a comparatively short service with troops, was largely overcome by his being sent abroad in 1855 and 1856 to study military organization, and especially, by being permitted to witness the operations of the allies at the siege of Sebastopol. His successes in West Virginia, trifling in themselves, but so gratefully received by the country after the defeat at Bull Run, suggested him as the commander of the Army of the Potomac, and the natural successor of the veteran Scott.

At the time of his appointment, the fate of the nation seemed to depend upon this single individual. In the organization of his army he stood alone. None of his brigade, division, or corps commanders had ever seen service as such. None of them, as in Europe, had exercised command at maneuvers or had been practiced in handling large bodies of troops. The colonels, from whom the future brigadiers were mostly to come, were nearly all from civil life, with but little knowledge of tactics or standard of discipline, by which to gauge the proficiency of their troops. A difficulty of nearly equal magnitude confronted him in the staff. The Adjutant-General's Department for want of interchangeability with the line could not, as in European services, furnish competent chiefs of staff to himself or to any of his corps and division commanders.

The adjutants-general, following the routine of the officers of the regular department, were scribes, charged with conducting the paper work of their respective commands. The aids-de-camp had no higher conception of duty than the accurate delivery of orders. To most of the generals and their staffs, the art of conducting and directing troops was a sealed book, to be opened and studied as the campaign progressed.

The supply departments—Ordnance, Quartermaster's, Commissary, and Pay Departments—required only business talent and gave less trouble. They grew as the Army grew and speedily produced officers fit to direct their operations for any command.

When General McClellan assumed command, he found his army "cowering on the banks of the Potomac," the troops and the people alike demoralized by the defeat and panic at Bull Run. He knew that but

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two things,—men, and the time to make them soldiers,—were necessary to restore the ascendancy of the Government. The men were given liberally, but time to drill them could not be accorded. When the armies throughout the country, with scarcely a shadow of discipline, had swelled to the aggregate of 600,000, the expense of supporting them was so great that the President was forced to declare:

> If something was not soon done the bottom would be out of the whole affair.

This stage of the Rebellion presents another instructive lesson. At the beginning of every war, the efforts of commanders to collect adequate forces and to properly drill and instruct them, has often been as perilous to military reputation as the leading of raw troops into battle. Van Rensselaer, when he hesitated to cross the Niagara at Queenstown with the militia who afterwards forsook him, was secretly denounced as disloyal. Wool, the discipline of whose command contributed so largely to win the victory of Buena Vista, was at first stigmatized by his volunteers as a martinet and a tyrant. McDowell, when he asked for time before the battle of Bull Run, "got not a bit of it." McClellan, when he sought to organize, drill, and instruct his army in the fall of 1861, was accused of being tardy, timid, having no plan, and finally lost his position as General in Chief.

When General Sherman, in the autumn of 1861 informed Mr. Cameron, Secretary of War, that for defense in the West "we should have 60,000 men and for offense would need 200,000 before we were done,"[a] he was denounced and published throughout the country as "crazy, insane, and mad."

Despite the delay in collecting, organizing, and drilling the Army of the Potomac, the time at last came when its commander felt that this powerful instrument was fashioned and fit for use, and it is only from this time that his conduct as a general in the field is fairly open to criticism.

It has been alleged that the Peninsula campaign was faulty, in that its success depended upon the cooperation of the Navy. To this it may be replied that the advance up the Peninsula was not his plan, except so far as he approved the unanimous recommendation of the four corps commanders. His original plan, which was rejected, was to compel the enemy to evacuate Manassas by turning their flank at Urbana, when he could march directly upon West Point, avoiding thereby the possibility of delay at Yorktown, or at any other point on the Peninsula.[b]

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[a] Sherman's Memoirs, vol. 1, pp. 203, 204.

[b] The military reader will observe that the enemy had all the disadvantage of a salient frontier, the angle being made by the intersection of the Potomac with Chesapeake Bay. This naturally gave the Government two different bases from which to operate against the Confederate capital—one the Potomac, the other the Chesapeake. If the former were adopted, the line of operations would cross Bull Run, the Rappahannock, the Rapidan, the Pamunkey, and many other streams flowing toward the Chesapeake, all of which formed natural defensive positions. The supplies would have to be transported either wholly by rail or by water to Aquia Creek, and thence on by rail. In the latter case, the York River offered a line of supply to White House, 18 miles from Richmond, while the James River was navigable to the heart of the city. It was evident to the commander of the Army of the Potomac, that from whichever direction he might approach Richmond, he would compel the enemy either to interpose his army or give up his capital. Hence, having had Washington well fortified, and designated a total force of 73,000 men for its defense, he had no hesitancy in selecting the line of the lower Chesapeake for his base.

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As early as the 3d of February, he stated in a letter to the President:

A rapid movement from Urbana would probably cut off Magruder in the Peninsula, and enable us to occupy Richmond before it could be strongly reenforced.[a]

It is true that when overruled and compelled to assail Magruder in front, he did urge upon the Secretary of War, in a letter dated March 19, the importance of a combined land and naval attack upon Yorktown. But April 7, two days after he arrived before the enemy's entrenchments, he discovered that the cooperation of the Navy was not a necessity; the whole coast of the Chesapeake, from the York River to the Rappahannock, was unoccupied by the enemy. He accordingly telegraphed that to carry the enemy's works—

with a reasonable degree of certainty, requires, in my judgment, that I should, if possible, have at least the whole of the First Army Corps to land upon York River and attack Gloucester in the rear.

Since the publication of General Magruder's report, which states that with 11,000 men he delayed the Army of the Potomac, nearly ten times as strong, for more than a month, many writers have affirmed that McClellan should have led his soldiers at once to the assault. This judgment, it is evident, is based on knowledge after the fact.

The British, when they saw the half finished works at Bunker Hill, had no doubt they could run over them, and were twice bloodily repulsed. Again, with works by no means more formidable than those of Yorktown, Wellington's veterans from the Spanish peninsula assaulted our untrained troops at New Orleans, and were mercilessly slaughtered.

For nearly a year the enemy had been fortifying Yorktown. Their right was protected by an unfordable stream. The only space left to be guarded was from the head of Warwick Creek to the York River, a distance of about 1½ miles. Had this space been occupied by a line of battle in two ranks, there would still have been enough men left of the 11,000 to form a sufficient reserve. These men, too, were not untrained. Many of them had tasted victory either at Big Bethel or Bull Run, and were eager for battle.

On the other hand, what was the situation and what the information of our military commander? He knew before leaving for the Peninsula, that it was occupied by a force of fifteen or twenty thousand men under Magruder, and that Yorktown was fortified. He knew too, that the enemy had left the front of Washington on the 9th of March, and that between that date and the 5th of April, they had had ample time to reenforce the troops on the Peninsula. Besides this, his engineers had examined the works and reported them to be formidable for an assault. With a clear perception of the effect of military movements, he knew that a force landed on the north side of the York River would cause their evacuation. Under these circumstances, fully alive to the danger of an assault, to the loss of life that would ensue, and to the shock which a repulse would give to the morale of his troops, should he be condemned because he preferred to delay till a turning movement, could be executed? The success of our cause and the interest of humanity alike answer, No!

While reasoning after the fact, has been applied to condemn the delay before Yorktown, let us turn to the light of subsequent knowledge, in the movements of McDowell's corps and ask: "Had he landed north of

[a] McClellan's Report, Frank Moore's Rebellion Record, vol. 1, p. 534, Supplement.

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the York River and I moved on West Point, would Magruder with but 11,000 men, have dared to face more than 100,000 men in front, while a force of 40,000 was getting in his rear?" If the answer be "No," the responsibility for the month's delay before Yorktown, must be assumed by those who ordered the detachment of McDowell's 40,000 men.[a]

It may still be said that McClellan had enough troops before Yorktown to have spared a turning force of this number.

To this it must be observed that he did not know, nor could he find out, that the enemy had but 11,000 men. In blind disregard of the enemy's strength, had he divided his army into equal parts, separated by the York River, he would have repeated the same blunder as the Austrians who entered Italy in 1796 by both banks of Lake Guarda, and as a consequence were beaten in detail by Napoleon at Castigleone and Lonato.

The battle of Williamsburg being on the part of the Confederates but a rear guard affair, may be dismissed with the remark that the assault on the works cost 2,628 killed and wounded,[b] and that they were not carried till at last they were turned by Hancock on the right. The works at Yorktown could only be turned by a movement on the north bank of the river.

The landing of Franklin's single division at West Point in rear of the Confederates, while it hastened their retreat, was a hazardous movement, which, according to the chances of war, exposed him to imminent danger of capture.

At Fair Oaks and Seven Pines, the criticism has been made that the line of battle was the shape of the letter V, the apex from the enemy and the two wings separated by the Chickahominy. This position of the Army, with both flanks in the air, resulted, as we have seen, from the President's orders that it should move up the Pamunkey River instead of the James River, in order to join hands with McDowell.

Again, profiting by the information of Confederate reports, that on the 1st of June their troops retreated from Fair Oaks in great confusion, it has been alleged that a heroic commander might have marched into Richmond. But why did not General Grant, on being joined by the fresh army of General Buell at Shiloh, pursue Beauregard's shattered army into Corinth? The answer is, that military commanders on the spot, know after a battle the condition of their own army, while, unlike the critic, they do not know that of the enemy.

Since the battle of Gaines's Mills reports have shown that, approximately, there were 70,000 Confederates on the north side of the Chickahominy, against 30,000 Union troops, while on the south side the figures showed 60,000 Union troops, against but 25,000 Confederates. Here again it is alleged that an opportunity was lost of taking Richmond. Without availing ourselves of knowledge after the fact, it cannot be doubted that a brilliant opportunity was offered for at least striking a blow. The situation of the right wing, the movements of the enemy

[a] It is not improbable that the evacuation of Yorktown was finally brought about by McDowell's corps threatening the Confederate rear. In his testimony of June 27, the day his corps should have been fighting at Gaines's Mills, he stated:

"Q. Had the movement of your command to Fredericksburg, in your judgment, anything to do with the evacuation of Yorktown?—A. I think it produced it." (Report of the Joint Committee on the Conduct of the War, vol. 1, p. 269.)

[b] Medical and Surgical History of the War of the Rebellion, p. xlv.

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executed in plain sight, besides positive information received two days before, indicated a division of the Confederate army and the concentration of its greater part north of the Chickahominy, where, in case of disaster, it could render no assistance to its isolated right wing. Many officers recognized in the movements of the enemy the same mistake that was committed by the allies at Austerlitz; but when a counter-attack was urged or suggested, the commander was paralyzed by another defect of our system which has yet to be noticed.

Two days before, June 25, McClellan telegraphed the Secretary of War that, including Jackson and Beauregard, the Confederate force was estimated at 200,000. He also stated in the same despatch, dated 6.15 p. m.:

* * * I shall have to continue against vastly superior odds, if these reports be true; but this army will do all in the power of men to hold their position and repulse any attack. I regret my inferiority of numbers, but feel that I am in no way responsible for it, as I have not failed to represent repeatedly the necessity of reenforcements; that this was the decisive point; and that all the available means of the Government should be concentrated here. * * * I shall probably be attacked to-morrow, and now go to the other side of the Chickahominy to arrange for the defense on that side. I feel that there is no use in my again asking for reenforcements.[a]

To this the President replied:

* * * Suggesting the probability of your being overwhelmed by 200,000, and talking of where the responsibility will belong, pains me very much. I give you all I can, and act on the presumption that you will do the best you can with what you have, while you continue, ungenerously, I think, to assume that I could give you more if I would. I have omitted, and shall omit, no opportunity to send you reenforcements whenever I possibly can.[a]

Whether or not General McClellan fully credited the estimate of the Confederate army cannot be stated. But it is evident that he was now laboring under the idea that he was vastly outnumbered, and that to save the army, rather than crush its adversary, was all that could be expected of him as a commander.

While still advocating an offensive policy, his frame of mind may be inferred from his despatch to the Secretary of War of June 28, the day after Gaines's Mills:

I now know the full history of the day. On this side of the river (the right bank) we repulsed several very strong attacks. On the left bank our men did all that men could do, all that soldiers could accomplish, but they were overwhelmed by vastly superior numbers, even after I brought my last reserve into action. Had I 20,000 or even 10,000 fresh troops to use to-morrow, I could take Richmond, but I have had not a man in reserve, and shall be glad to cover my retreat and save the material and personnel of the army. If we have lost the day, we have yet preserved our honor, and no one need blush for the Army of the Potomac. I have lost this battle because my force was too small. I again repeat that I am not responsible for this, and I say it with the earnestness of a general who feels in his heart the loss of every brave man who has been needlessly sacrificed to-day. I still hope to retrieve our fortunes, but to do this the Government must view the matter with the same earnestness that I do; you must send me very large reenforcements and send them at once. I shall draw back to this side of the Chickahominy, and think I can withdraw all our material.

Please understand that in this battle we have lost nothing but men, and those the best we have. In addition to what I have already said, I only wish to say to the President that I think he is wrong in regarding me as ungenerous, when I said that my force was too weak. I merely reiterated a truth which to-day has been too plainly proved. I should have gained this battle with 10,000 fresh men. If, at this instant, I could dispose of 10,000 fresh men, I would gain a victory to-morrow. I

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 338.

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know that a few thousand men more would have changed this battle from a defeat to a victory. As it is, the Government must not and cannot hold me responsible for the result. I feel too earnestly—I have seen too many dead and wounded comrades to feel otherwise than that. The Government has not sustained this army. If you do not do so now, the game is lost.[a]

The President, naturally seeking to vindicate the mistaken movements for the defense of Washington, which the enemy had no design to attack, replied the same day:

Save your army at all events. Will send reenforcements as fast as we can. Of course they can not reach you to-day, to-morrow, or next day. I have not said you were ungenerous for saying you needed reenforcements. I thought you were ungenerous in assuming that I did not send them as fast as I could. I feel any misfortune to you and your army quite as keenly as you feel it yourself. If you have had a drawn battle or a repulse, it is the price we pay for the enemy not being in Washington. We protected Washington, and the enemy concentrated on you. Had we stripped Washington, he would have been upon us before the troops sent could have got to you. Less than a week ago you notified us that reenforcements were leaving Richmond to come in front of us. It is the nature of the case, and neither you nor the Government is to blame. Please tell at once the present condition or aspect of things.[b]

Instead of having 10,000 additional men for this conflict, he might have had 40,000, had not McDowell's orders to join him been countermanded and his troops sent on a hopeless chase after Jackson in the valley. A more serious error of judgment in not making a counter-attack, south of the Chickahominy, on the 27th, was committed at Malvern Hill, on the 1st of July. In their vain assaults upon our position, on the last of the seven days' battles, the enemy suffered a loss of 5,000 men. All night long their shouting and the confusion of their retreat was heard within our lines. They had started out with the intention to overwhelm and capture our army, but had signally failed. To use an expression of the times, they had loosened but had not severed the coils of the "anaconda." It needed but an advance, on the 2d of July, to drive them back to their works. A resolute attack might possibly have ended the Rebellion.[c] The contrary course was pursued. The army continued its retreat, and the same day the commander announced its arrival at Harrison's Landing.

If it now be admitted that General McClellan, as well as the President and the Secretary of War, made mistakes, this difference will be observed, his mistakes were those of omission.

The retreat of the Army of the Potomac, which was largely brought about by estimating the enemy at more than double his strength, should again call our attention to the need of a bureau of military statistics. The value of such a bureau was illustrated in the Franco-German war of 1870. The German officer who was charged with collection of information relating to France was enabled, after a careful study of the organization and disposition of the French army, to

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 339, 340.

[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 340.

[c] The author must not be understood as saying that Richmond might certainly have been captured. It is but fair to presume that in regaining their works, the Confederates would have fought as hard as the militia at New Orleans. At Knoxville, November 29, 1863, Benjamin, with but 300 men, repulsed the assault of four brigades of Longstreet's corps upon the half finished work of Fort Saunders, inflicting a loss of 1,300 killed and wounded. The repulses at Port Hudson, Vicksburg, Cold Harbor, and Petersburg show, that assaults are always the most hazardous and uncertain of all military enterprises, and should not be undertaken when it is possible to turn a position.

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report to General Moltke, that three weeks after a declaration of war, the largest force that the French could assemble on the Rhenish frontier would not exceed 250,000 men. On this estimate, which subsequently proved correct, the chief of staff based his campaign. Pouring across the frontier with a force more than double that of their adversaries, a month sufficed to shut up one French army in Metz and capture another at Sedan. Contrary to the practice of all other nations, we still continue in time of peace to ignore the value of military information.[a]

In 1846 it will be remembered, that the Quartermaster-General could not find out in Washington, whether wheeled vehicles could be used in Mexico. This fact, discreditable as it was to the management of the War Department,—particularly since war had been anticipated for more than a year,—was speedily forgotten, and as a consequence, in 1861 none of our statesmen or soldiers directed their attention to procuring timely knowledge of the enemy's forces and movements. The "secret service," like every other part of our military organization, was new, and had to be organized and developed by our military commanders.

In October, 1861, apropos of a movement on Manassas, the commander of the Army of the Potomac, through his spies and prisoners, estimated the enemy in northern Virginia at 150,000. Although this was more than six months after the fall of Fort Sumter, neither the General in Chief, General Scott, nor the Secretary of War, could bring any facts to the contrary. This ignorance lost to the Union one of best opportunities ever presented to destroy the Confederate army. According to the report of the Confederate commander, his total force in northern Virginia, on the 31st of December, 1861, was 57,337 men, 10,241 in the district of the Shenandoah Valley, 6,257 in the district of Aquia, and 40,241 in the district of the Potomac. Opposed to this force of 40,000, more or less scattered from the lower Occoquan to Leesburg, lay the Army of the Potomac numbering, for duty, on the 1st of December, 1861, 169,452 men.

At no other time during the war, when the weather was favorable for military operations, were the numbers so unequal; yet for want of an organized bureau and the expenditure of a million or two of dollars in securing the services of spies, we remained throughout the autumn of 1861, in a state of almost total inactivity.

In January, 1862, our knowledge of the enemy was but little better. At a general war council held at the White House on the 10th of the month, the War Department could present no information. The Secretary of State was able to report, from information he had received through an Englishman from Fort Monroe, that the enemy had 30,000 men at Centreville—

> and in all our front an effective force, capable of being brought up at short notice to about 103,000 men—men not suffering, but well shod, clothed, and fed.[b]

March 8, 1862, General McClellan again estimated the enemy at 115,000 men. Nine months later, General Burnside estimated the Confederate forces at Fredericksburg all the way from 100,000 to

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[a] The Division of Military Information was established in the month of February, 1889.—EDITORS.

[b] Minutes of the council by General McDowell, Swinton's History of the Army of the Potomac, p. 80.

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200,000.[a] At Gettysburg, the "secret service" of the Army having become thoroughly systematized, General Meade was enabled in a couple of hours to find out exactly what portion of Lee's army had been engaged on the 1st and 2d of July. The knowledge thus acquired made him firmer in his determination to offer battle the next day.

These facts, traceable to a defective organization of our Adjutant-General's Department, will explain why, early in the war, so many of our commanders were overcautious in their movements.

On the Peninsula, however, all the circumstances combined to mislead the commander. The Government did not dare to reenforce him, because it feared that the Confederates, whatever their number, might be able to send a detachment against the capital. On the other hand, the Confederates had greatly increased their army by passing a law conscripting all persons between the ages of 18 and 45. It was known also that, resolving to stake everything on the issue at Richmond, they had concentrated all their troops from the Potomac to the Savannah. Deserters sent in for this special purpose magnified their numbers, so that even at Harrison's Landing, on the occasion of the President's visit, many general officers still believed that the Army of the Potomac was confronted by 200,000 men.

Akin to the charge of overestimating the enemy, and equally unjust as a matter of complaint against the commander, was the assertion that 160,000 men had been sent to the Peninsula, which force if handled with courage and skill could at any moment overwhelm the enemy. The groundlessness of this statement will appear from the official returns.

Remembering that Franklin's and McCall's divisions were reluctantly sent forward, at an interval of more than six weeks apart and that these accessions did not make good the losses by sickness, always large in a new army, the returns show that the number of enlisted men present for duty was:

On April 20	104,610
On June 20	101,160
On July 10	85,000

Add to either of the above figures not to exceed 4,725 officers, and the total present for duty never exceeded 110,000 men. With this number further reduced to the fighting strength of about 95,000, the commander at the critical moment was compelled to face, as he supposed, a force of 200,000 and an actual force of 95,000. Had either he or his generals suspected that their numbers equaled those of the enemy, it is more than probable that in a death struggle, man for man, the battles of the Chickahominy would have ended in the complete destruction or triumph of one of the contending armies. While such a spectacle would have been heroic, the policy which led to it would not have been wise.

In the late Russo-Turkish War, the Russians began their invasion of Bulgaria with 180,000 effectives, the Turks having 165,000. The second defeat at Plevna brought the invaders to a stand until the Emperor called out 340,000 men, who were further strengthened by the Roumanian contingent of 40,000, making a total of 380,000 men. Thus reenforced, they used 160,000 men to invest Plevna, and were justly credited with wisdom and skill when its garrison of 40,000 men were made prisoners of war.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 656.

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When General McClellan begged for reenforcements, on the eve of what the Confederates meant should be a decisive battle, the Government had in its service more than 600,000 men.

The reasons why McDowell was not sent forward have already been stated. Why the Government did not fill up the ranks and send forward another reenforcement of 50,000 or 100,000 men, will be satisfactorily explained hereafter.

It was the refusal to let him land at Urbana in the first instance and the withdrawal of McDowell, that caused the month's delay at Yorktown; it was during this month so lost, that the Confederate congress abandoned voluntary enlistments, adopted conscription, and took away from the governors the power to commission Confederate officers; it was during this month, when the Army of the Potomac should have been at the doors of Richmond, that almost every regiment of the Confederate army was reorganized; it was during this month that Confederate conscripts began to pour into the old regiments instead of being formed into new organizations; it was during this and the two succeeding months, while McDowell was held back, that these conscripts, associated with veteran comrades, acquired courage and discipline, and it was by concentration during the last month that the Confederate army was made to equal its opponent. The loss of battles was but a trifle compared with the other consequences of this one month's delay. It arrayed against us a military system, which enabled the Confederate government to call out the last man and the last dollar, as against a system based on voluntary enlistment and the consent of the States. It was no longer a question of dealing a dissolving army its deathblow. We had permitted a rival government to reorganize its forces, which we now were compelled to destroy by the slow process of attrition.

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CHAPTER XXII.

REVIEW OF THE CAMPAIGN OF THE ARMY OF THE POTOMAC, FROM ITS ARRIVAL AT HARRISON'S LANDING TO ITS WITHDRAWAL FROM THE PENINSULA.

Although constitutional Commander in Chief, the fruitless strategy in the valley campaign convinced the President, that neither he nor the Secretary of War, had any of the qualifications of a military commander. He saw, too, from the ease with which 16,000 men had neutralized 60,000, that the creation of the Mountain Department and of the Departments of the Rappahannock and the Shenandoah had worked to the advantage of the Confederates. To remedy this evil an order was issued on the 26th of June merging the troops of the three departments into the Army of Virginia, commanded by Major-General Pope.

To clearly understand the events which followed, let us now direct our attention to the influence exerted upon the conduct of military affairs by individuals in high station outside of the Cabinet. The power of Congress to raise and support armies unquestionably gave it the right to inquire how the military resources it had provided were being applied. This right it exercised on the 9th and 10th of December, 1861, by appointing a joint committee of three members of the Senate and four members of the House of Representatives "to inquire into the conduct of the present war." To accomplish this object the committee was given power "to send for persons and papers, and to sit during the recess of either House of Congress."[a]

Had the investigations been confined to transactions which had already occurred, no harm would have ensued beyond the injury done to discipline by encouraging officers to criticise their superiors with a view to securing promotion, or to the gratification of personal ill will. But a knowledge of past events by no means satisfied the committee. It pried into the present and sought to look into the future. With but little or no regard for secrecy, it did not hesitate to summon commanders of armies in the field, who were asked and encouraged to disclose the numbers of their troops and their plans of campaign.

July 8, 1862, scarcely a week after his assignment to the Army of Virginia, General Pope was called before the committee. From the

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[a] The committee originally consisted of:

On the part of the Senate: Mr. B. F. Wade (chairman), Ohio; Mr. Z. Chandler, Michigan; Mr. Andrew Johnson, Tennessee.

On the part of the House: Mr. D. W. Gooch, Massachusetts; Mr. John Covode, Pennsylvania; Mr. G. W. Julian, Indiana; Mr. M. F. Odell, New York.

(Report of the Joint Committee on the Conduct of the War, vol. 1, p. 66.)

Mr. Johnson, on being made military governor of Tennessee, was replaced by Jos. A. Wright, of Indiana. The place of the latter on retiring from the Senate was left vacant.

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following question it will be seen that he revealed the strength of his command:

Q. Will you state to the committee the amount of troops now under your command, and the objects you have in view to accomplish what is being done and about to be done with that force?—A. I have a movable force, aside from the few troops that are here around Washington and in the intrenchments, of about 43,000 men. That is exclusive, also, of a small force that is in the Kanawha Valley, too far from the seat of operations here to be of any use in the present service.[a]

In continuation of his answer he next laid before them his original plan of campaign:

This command, when concentrated, was designed by me—when I first came here and learned the condition of things, and before the late reverses before Richmond—to have marched upon Gordonsville and Charlottesville, in Virginia, and the southern extremity of the Shenandoah Valley, and thence upon Richmond upon the western side; at the same time, in the course of that march, I intended to destroy the railroads from Charlottesville to Lynchburg and from Richmond to Lynchburg; then, having arrived in the vicinity of Richmond, I proposed to aid the forces there in every possible way in the reduction of that place. That is what I proposed in the beginning.[a]

Being interrogated as to what was about to be done, he explained his plans as follows:

The reverses which have occurred within a few days there, and which have caused the retreat of our forces to a point from which they are not accessible from this direction, and which by interposing the whole body of the enemy between them and Washington may perhaps endanger the safety of the capital here, has made it necessary to make some other disposition of my forces. I am therefore now assembling them at points on the east side of the Blue Ridge, some 25 or 30 miles south of Front Royal, and immediately in front of the passes leading through the Blue Ridge into the Shenandoah Valley, occupying Culpeper Court House with cavalry, and a point 20 miles in front, in the direction of Richmond; so that, in case any of the enemy's troops succeed in penetrating into the valley of the Shenandoah, I occupy such a position that, by marching upon Gordonsville, I have a shorter distance to march than they will have in turning back, and shall be able to cut them off completely. At the same time I shall be in such a position that in case the enemy should advance in any considerable force toward Washington, I shall be able to concentrate all my forces for the defense of this place, which I propose to defend, not by standing on the defensive at all, or confronting the enemy and intrenching myself, but I propose to do it by laying off on his flanks and attacking him from the moment that he crosses the Rappahannock, day and night, until his forces are destroyed, or mine.

I have no apprehension, with my troops stationed in that position, although I have but 43,000 men, that even 80,000 of the enemy would be able to get to Washington at all.[b]

The safety of the capital next engaged the attention of the committee.

Q. What will be the number of troops left in the entrenchments about Washington?—A. In numbers they will be about 12,000; in condition they are very poor, indeed. They consist of new regiments, perfectly raw, and broken fragments of old regiments sent here to recruit. The force is not an effective one by any means.

Q. So that the defense of the capital will depend upon your army?—A. Largely upon operations in the valley. But I tell you that unless the enemy have force enough in Richmond to be able to detach at least 100,000 men, I do not anticipate any danger to this city. If they were to send so large a force as that against it, it would be very troublesome.

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Q. Is it your design to act upon the defensive alone?—A. Not at all.

Q. So that you mean to attack?—A. I mean to attack them at all times that I can get the opportunity. If I was to confront them with the force that I have, and go to building intrenchments, etc., they could flank me on either side and force me back without my being able to offer any resistance of any consequence. * * *

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 276.

[b] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 276, 277.

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But if they should come this way with a very large force, it seems to me that the only sort of defense of Washington at all I can afford, with the force I have, is to lie off upon the flanks of their army and attack them day and night at unexpected times and places so as to prevent them from advancing. It will be hard work, but I do not see anything else so likely to prevail against them.

Q. Would you not in all these movements feel embarrassed with the knowledge that while you are moving forward on the enemy you are looked upon as the protector of the capital here?—A. No, sir; for I am fully convinced that I would be doing the best I know to effect that object. It is not necessary, in my opinion, in order to protect the capital, that I should interpose myself between the enemy and the place itself, in fact it would be the very worst policy to do so now; for wherever I could put myself, they could place themselves between me and the capital by attacking my flanks. By laying off on their flanks, if they should have only 40,000 or 50,000 men, I could whip them. If they should have 70,000 or 80,000 men I would attack their flanks and force them, in order to get rid of me, to follow me out into the mountains, which would be what you want, I should suppose. They could not march on Washington with me lying with such a force as that on their flanks. [a]

The knowledge of the plans of the new commander thus acquired, together with his views as to the future movements of the Army of the Potomac, yet to be related, produced a pressure which, as in the case of Blenker's division, the President could not be expected to resist.

The members of the committee, all of them influential Senators or Representatives, were aware that for three months there had been no military head at the capital. They knew, too, that by turns the President and the Secretary of War had directed the movements of our armies. As the special representatives of Congress, which in its time represented the people, they felt that they had a right to mingle in the military as well as civil councils of the nation.

The cause of the Rebellion, as alleged by the Confederates, was the accession to power of the great party which owed its success to its love of freedom and hatred of slavery. How far a want of sympathy with the new leaders of the Government influenced the removal of General McClellan as General in Chief it is impossible to tell, but it is certain that about this time he made the estrangement between himself and the Administration complete. Forgetting that as an army commander his sole duty was to deal with the armed enemies of the country, he sought to influence the political results of the war. In time of civil war it should be a maxim, inflexibly adhered to, that no general should remain in command of an army who can not heartily support the civil policy of his government.

July 7, he wrote to the President:

* * * I cannot but regard our condition as critical, and I earnestly desire, in view of possible contingencies, to lay before Your Excellency, for your private consideration, my general views concerning the existing state of the rebellion, although they do not strictly relate to the situation of this army, or strictly come within the scope of my official duties. These views amount to convictions and are deeply impressed upon my mind and heart. Our cause must never be abandoned; it is the cause of free institutions and self-government. The Constitution and the Union must be preserved, whatever may be the cost in time, treasure, and blood. If secession is successful, other dissolutions are clearly to be seen in the future. Let neither military disaster, political faction, nor foreign war shake your settled purpose to enforce the equal operation of the laws of the United States upon the people of every State. The time has come when the Government must determine upon a civil and military policy, covering the whole ground of our national trouble. * * * This rebellion has assumed the character of a war. * * * It should not be at all a war upon population, but against armed forces and political organizations. Neither confiscation of property, political executions of persons, territorial organization of States, or forcible abolition of slavery should be contemplated for a moment.

Military government should be confined to the preservation of public order and the protection of political right. Military power should not be allowed to interfere

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 277, 278.

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with the relations of servitude, either by supporting or impairing the authority of the master, except for repressing disorder, as in other cases. Slaves, contraband under the act of Congress, seeking military protection should receive it. The right of the Government to appropriate permanently to its own service, claims to slave labor should be asserted, and the right of the owner to compensation therefor should be recognized. This principle might be extended, upon grounds of military necessity and security, to all the slaves of a particular State, thus working manumission in such State; and in Missouri, perhaps in western Virginia also, and possibly even in Maryland, the expediency of such a measure is only a question of time. * * * Unless the principles governing the future conduct of our struggle shall be made known and approved, the effort to obtain requisite forces will be almost hopeless. A declaration of radical views, especially upon slavery, will rapidly disintegrate our present armies.[a]

It would not have been surprising had the expression of views so antagonistic to the civil policy of the Administration determined his removal from command, but to accomplish this openly was impossible. He had extricated his army from a position which in the calculation of the Confederates doomed it to destruction. He was, moreover, one of a vast number of citizens who still sought to save the Union without the abolition of slavery, and who naturally approved and applauded him for his conservatism. To have relieved him under such circumstances would have been a shock to the country. There was but one way to get rid of him, and that was to disintegrate his army.

In the same letter General McClellan turned from the political to the military policy of the Government, of which he wrote:

The policy of the Government must be supported by concentrations of military power. The national forces should not be dispersed in expeditions, posts of occupation, and numerous armies, but should be mainly collected into masses and brought to bear upon the armies of the Confederate States. Those armies thoroughly defeated, the political structure which they support would soon cease to exist.

In carrying out any system of policy which you may form, you will require a Commander in Chief of the Army; one who possesses your confidence, understands your views, and who is competent to execute your orders by directing the military forces of the nation to the accomplishment of the objects by you proposed. I do not ask that place for myself. I am willing to serve you in such position as you may assign me, and I will do so as faithfully as ever subordinate served superior.[b] * * *

The President by this time had become weary of his responsibility as a military commander. In every new emergency he had been compelled to go to the War Department to consult the Secretary and his military council. Had he searched the annals of the war of 1812 he could not have failed to note that history was repeating itself and that all the orders issued to our armies, with or without his approval, were really nothing but the orders of the Secretary of War.

The difficulties of Mr. Lincoln's position were not diminished when he consulted the generals in the field. On the 8th of July, at a council of war during his visit to the Army of the Potomac at Harrison's Landing, General McClellan and some of his corps commanders, estimating the Confederate strength at 200,000, urged that the Army be reenforced by 20,000 or 30,000 men, and that operations against Richmond be resumed. Others who concurred in the above estimate, thought that the necessary reenforcements should number 100,000.

Unable to reconcile the differences of opinion or to determine what to do, the President is alleged to have said to Mr. Sumner:

My mind became perfectly perplexed, and I determined right then and there to appoint a Commander in Chief who should be responsible for our military operations,

[a] Frank Moore's Rebellion Record, vol. 1, pp. 595–596, Supplement.
[b] Frank Moore's Rebellion Record, vol. 1, p. 596, Supplement.

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and I determined further that General Halleck should be the man. I accordingly, as soon as I arrived in Washington, telegraphed to him to come here and assume the responsibilities of that office.[a]

It is true that he was designated "General in Chief," but if this title be intended to mean a military officer who exercises, under the orders of the President, exclusive command of the line and staff of the Army, save the staff officers detailed to assist the Secretary of War in his duties, then it must be admitted that General Halleck was never General in Chief. It has already been shown that the position of the Secretary of War, which was not fully established prior to the controversy between General Scott and Secretary Davis, rests upon an official construction of the decision of the Supreme Court, and more especially on the Attorney-General's opinion that "the order of the Secretary of War is the order of the President." This opinion could not but be congenial to the chiefs of bureaus and their subordinates.

In every conflict they saw that as the powers of the General in Chief were reduced their offices were magnified and their exemption from military control was increased. Finally, when the Executive order of March 13 left the Secretary of War untrammeled by a General in Chief, they found themselves exalted to the responsible posts of military counselors, with a voice in determining every important movement of our armies.

General Halleck had been brought up to recognize the complete sway of the Secretary of War. It was therefore but natural, when placed in command of our armies, that he should have acknowledged the system which practically united all powers in the hands of a civil officer whose department had been created by Congress for the sole purpose of organizing and supplying our troops.

The effort to serve two masters could not fail in the end to prove fatal to the new General in Chief. He had accepted a position with no defined powers, with the additional disadvantage that for every military mistake the people could now hold him responsible. In vindication of his official action while General in Chief he wrote, in February, 1864, to General Sherman as follows:

> The great difficulty in the office of General in Chief is that it is not understood by the country. The responsibility and odium thrown upon it do not belong to it. I am simply a military adviser of the Secretary of War and the President, and must obey and carry out what they decide upon, whether I concur in their decisions or not. * * * It is my duty to strengthen the hands of the President as Commander in Chief, not to weaken them by factious opposition. I have, therefore, cordially cooperated with him in any plan decided upon, although I have never hesitated to differ in opinion. I must leave it to history to vindicate or condemn my own opinions or plans. They will be found at some future time on record.[b] * * *

General Halleck, as will be observed, did not define his duty in case the President differed in opinion from the Secretary of War, but the omission is unimportant. When he reached Washington in July, 1862, he found the military forces in Virginia divided into two armies. He did not seek nor was it necessary for him to trace the responsibility for this division to any particular source. As a writer on strategy he knew that as a fundamental principle the two armies should be united. There were two ways of doing this with perfect safety, either of which, however, unless he chose to take the field in person, involved the sacrifice of a military commander.

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[a] Mahan's Critical History of the Late American War, p. 145.
[b] Fry on "The command of the Army," The Field Glass, May, 1879, p. 88.

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The first was to draw back the Army of Virginia to Alexandria, leave enough troops in the works to secure the safety of the capital, and send the remainder to join the Army of the Potomac at Harrison's Landing. The execution of this plan, however, may have been a political one, but was not, as alleged by General Halleck, a military impossibility.

The error of creating three departments in northern Virginia had been succeeded by a greater one—that of merging the troops into the Army of Virginia, charged with the protection of the capital and destined to act on a line of operations entirely separate and distinct from the Army of the Potomac.

It was this line of operations, with Richmond as an objective, which in the beginning had been selected by the President and the Secretary of War for the Army of the Potomac.

To give up this line would be to again yield to arguments which had failed to convince them before. Morbidly apprehensive as to the safety of the capital, they had been frightened once by the sudden apparition of the enemy, and it was quite plain that they would refuse to be frightened again. This plan, therefore, if entertained by General Halleck, had to be abandoned.

The second plan was to draw back the Army of Virginia within the defenses of the capital, recall the Army of the Potomac to Alexandria, and then with the combined armies resume the offensive.

The objection to this was that all the battles of the Army of the Potomac would go for nothing and the siege of Richmond be raised, an object which the Confederates had failed to accomplish in the Seven Days' battles.

There was still a third plan, open to the same objection as the second, but so flagrantly in violation of the principles of war that it could not be undertaken without subjecting one or both armies to the danger of being overwhelmed and destroyed. This plan—a compromise between the other two—was, however, the one adopted at Washington. The proposed union was to be effected midway between the two capitals, along the line of the Rappahannock.

The first intimation General McClellan had of the possible withdrawal of the Army of the Potomac from the Peninsula, was contained in a despatch from the President, dated May 25, the day Winchester was attacked by Stonewall Jackson. As before quoted, the closing part of the despatch read:

> I think the time is near when you must either attack Richmond or give up the job and come to the defense of Washington.[a]

The visit of the President to Harrison's Landing, and the failure to harmonize opinions as to the required number of reenforcements, tended toward the withdrawal of the Army of the Potomac from the Peninsula.

To avert so great a calamity, General McClellan, on the 12th of July, telegraphed to the President:

> * * * I am more and more convinced that the army ought not to be withdrawn from here, but promptly reenforced and thrown again upon Richmond. If we have a little more than half a chance we can take it.[a] * * *

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[a] Report of the joint Committee on the Conduct of the War, pt. 1, p. 330.

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July 17, he again telegraphed to the President:

It appears manifestly to be our policy to concentrate here everything we can possibly spare from less-important points, to make sure of crushing the enemy at Richmond, which seems clearly to be the most important point in rebeldom. Nothing should be left to chance here. I would recommend that General Burnside, with all his troops, be ordered to this army, to enable it to assume the offensive as soon as possible.[a]

The next day, after referring to the arrival of Confederate reenforcements, he again telegraphed:

Am anxious to have determination of Government that no time may be lost in preparing for it. Hours are very precious now, and perfect unity of action necessary.[a]

On the 25th of July, General Halleck visited General McClellan at Harrison's Landing for the purpose of ascertaining his views and wishes in regard to future operations. The memorandum of this interview, submitted to the Secretary of War, on the 27th of July, affords conclusive proof that either the President or Secretary still retained the personal direction and control over the movements of our armies. Neither of them had yet learned from their own experience or from history, that no civilian had ever been able to successfully direct the operations of armies, numbering more than half a million men.

When General Halleck arrived, General McClellan first proposed to cross the James River, "attack Petersburg, and cut off the enemy's communications by that route south." The execution of this plan, which two years later compelled the surrender of Lee's army, General Halleck opposed on the ground of its danger and impracticability.

General Halleck next expressed the opinion that it was—

* * * a military necessity to concentrate his forces with those of General Pope on some point where they could at the same time cover Washington and operate against Richmond, unless he felt strong enough to attack the latter place, with a strong probability of success, with the reenforcements that could be given to him.[b]

The memorandum continued:

He expressed the opinion that with 30,000 reenforcements he could attack Richmond with a good chance of success. I replied that I was authorized by the President to promise only 20,000, and that if he could not take Richmond with that number, we must devise some plan for withdrawing his troops from their present position, to some point where they could unite with those of General Pope, without exposing Washington.

He thought there would be no serious difficulty in withdrawing his forces for that purpose, but the movement, he said, would have a demoralizing influence on his own troops, and suggested the propriety of holding their present position till sufficient reenforcements could be collected. I told him that I had no authority to consider that proposition, and that he must decide between advising the withdrawal of his forces to some point to be agreed upon, to meet General Pope, or to advance on Richmond with the reenforcements which the President had offered; that I was not sufficiently advised in regard to the position of our forces and those of the enemy to say how many additional troops could be given to him with safety, but that the President had decided that question by fixing his reenforcements at 20,000, and I could promise no addition to that number. I inferred from his remarks that, under these circumstances, he would prefer to withdraw and unite with General Pope, but I advised him to consult his officers and give me a final answer in the morning. He did so, and the next morning informed me that he would attack Richmond with the reenforcements promised. He would not say that he thought the probabilities of success were in his favor, but that there was "a chance," and he was "willing to try it."[c]

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[a] McClellan's Report, p. 146.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 454, 455.
[c] Ibid., p. 455.

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The admission of General Halleck that he went to Harrison's Landing with no discretion; that he was authorized by the President to promise only 20,000 men; that he had no authority to consider a proposition to suspend operations till reenforcements could be collected, as also his care not to transcend his authority, not only confirms his previous admission that he was simply a "military adviser," but leads to the more painful conviction that he had suffered himself to become a mere member of the military council, by means of which the Secretary of War continued to exert a controlling influence in all military matters.

The disasters which ensued, like those of the previous three months, must therefore be credited to the defective laws which allowed the President to dispense with an actual General in Chief and substitute in his stead a civil officer supported by military advisers, disqualified by their tenure of office and occupations from giving free and enlightened opinions.

General Halleck left Harrison's Landing on the 26th of July.

Forced to consent to a resumption of operations with a reenforcement of 20,000 men, as the only means of preventing the transfer of the war from the Confederate to the national capital, General McClellan the same day telegraphed General Halleck:

> Allow me to urge most strongly that all the troops of Burnside and Hunter, together with all that can possibly be spared from other points, be sent to me at once. I am sure that you will agree with me that the true defense of Washington consists in a rapid and heavy blow given by this army upon Richmond. Can you not possibly draw 15,000 or 20,000 men from the West to reenforce me temporarily? They can return the moment we gain Richmond. Please give weight to this suggestion. I am sure it merits it.[a]

July 28, General McClellan telegraphed to him:

> * * * It is not confirmed that any of Bragg's troops are yet here. My opinion is more and more firm that here is the defense of Washington, and that I should be at once reenforced by all available troops to enable me to advance. Retreat would be disastrous to the army and cause. I am confident of that.[b]

July 30 he again telegraphed:

> * * * I hope that it may soon be decided what is to be done by this army, and that the decision may be to reenforce it at once. We are losing much valuable time, and that at a moment when energy and decision are sadly needed.[b]

The 20,000 men which General Halleck was authorized to promise General McClellan, were to be composed of the troops withdrawn from North and South Carolina, the former being under the command of General Burnside. By withdrawing the Army of Virginia to Washington and Alexandria, 20,000 more veteran troops might have been added to the Army of the Potomac, leaving still from 25,000 to 30,000 men for the defense of the capital. The suggestion that the Army of the Potomac should hold its position till sufficient reenforcements could be collected deserved attention.

On the 1st of July, the President issued a call for 300,000 men. Many of these regiments were already organized and were beginning to pour to the front. By waiting another month, the foregoing reenforcement of 40,000 men could have been easily increased to more than 100,000 men, which was the largest number requested, even under

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 456.
[b] McClellan's Report, p. 147.

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the supposition that the Confederates numbered 200,000. These considerations, if conveyed by General Halleck to the President, or Secretary of War, were rejected. Twenty thousand men had been offered, 35,000 had been asked, and this difference, when the Government had under arms or in process of organization more than 800,000 men, was deemed sufficient to decide the withdrawal of the army.

It has been alleged that had these reenforcements been forwarded, General McClellan would not have possessed the skill to employ them. But this assertion, if admitted, does not justify the subsequent action. The President had just appointed a General in Chief who could have taken the field, and who, had he been able to capture the Confederate capital, would have received, if he had not merited, all the glory.

Notwithstanding the plans of the army commander were overthrown at the outset by the detachment of McDowell, the worst that could be said of the Peninsula campaign was that thus far it had not been successful. To make it a failure was reserved for the agency of General Halleck.

July 30, on the receipt of a despatch from General Pope to the effect that deserters reported the enemy to be moving south of the James River, and that the force in Richmond was very small, General Halleck telegraphed at 8 p. m. to General McClellan:

> I suggest that he (the enemy) be pressed in that direction to ascertain the facts of the case.[a]

The same day and time he sent a second despatch:

> In order to enable you to move in any direction, it is necessary to relieve you of your sick. * * * I hope you will send them away as quickly as possible, and advise me of their removal.[a]

To carry out this order, which, in connection with the preceding despatch, indicated an advance rather than a retreat, the Quartermaster-General was directed to provide the necessary transportation. The arrangements for the reception of the sick were left to the Surgeon-General.

August 3, at 7.45 p. m., General Halleck sent the fatal despatch which, to the joy of the Confederates, relieved them from all immediate anxiety as to the safety of their capital. It read:

> I have waited most anxiously to learn the result of your forced reconnoissance toward Richmond, and also whether all your sick have been sent away, and I can get no answer to my telegram. It is determined to withdraw your army from the Peninsula to Acquia Creek. You will take immediate measures to effect this, covering the movement the best you can. Its real object and withdrawal should be concealed even from your own officers. Your material and transportation should be removed first. You will assume control of all the means of transportation within your reach and apply to the naval forces for all the assistance they can render you. You will consult freely with the commander of these forces. The entire execution of the movement is left to your discretion and judgment. You will leave such forces as you may deem proper at Fort Monroe, Norfolk, and other places which we must occupy.[b]

Those who, in their plans of campaign make no allowance for the material and other impediments to the march of an army, have censured General McClellan for not obeying the order instantly, without either reflection or remonstrance. The country at this early day was filled with a multitude of amateur strategists, who, after reading up a

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[a] Frank Moore's Rebellion Record, vol. 1, p. 598, Supplement.
[b] Ibid., pp. 600, 601, Supplement.

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few of Napoleon's campaigns, lost no opportunity of laying their plans before the President, at the same time striving to commend themselves to his notice by vilifying his military subordinates. Their conception of an army was like that of an eagle, which circling noiselessly through the air, first discovers and then darts upon its prey.

Winnowing truth from error, history will record that in this emergency, the commander of the Army of the Potomac acted as became a patriot and a soldier. With a prevision of the consequences of the order, he telegraphed to General Halleck, at midday on the 4th of August:

Your telegram of last evening is received. I must confess that it has caused me the greatest pain I ever experienced, for I am convinced that the order to withdraw this army to Aquia Creek will prove disastrous in the extreme to our cause. I fear it will be a fatal blow. * * * This army is now in excellent discipline and condition. We hold a debouche on both banks of the James River, so that we are free to act in any direction, and, with the assistance of the gunboats, I consider our communications as now secure. We are 25 miles from Richmond, and are not likely to meet the enemy in force sufficient to fight a battle until we have reached 15 to 18 miles, which brings us practically within 10 miles of Richmond. It may be said there are no reenforcements available. I point to General Burnside's force; to that of General Pope, not necessary to maintain a strict defense in front of Washington and Harper's Ferry; to those portions of the army of the west not required for a strict defense there. Here, directly in front of this army, is the heart of the Rebellion. It is here that all our resources should be collected to strike the blow which will determine the fate of the nation. All points of secondary importance elsewhere should be abandoned and every available man brought here. A decided victory here and the military strength of the Rebellion is crushed. It matters not what partial reverses we may meet with elsewhere, here is the true defense of Washington. It is here, on the banks of the James River, that the fate of the Union should be decided.

Clear in my convictions of right, strong in the consciousness that I have ever been and still am actuated solely by love of my country, knowing that no ambitious or selfish motives have influenced me from the commencement of this war, I do now what I never did in my life before: I entreat that this order may be rescinded. * * *[a]

The decree was unalterable. In reply, General Halleck telegraphed back on the 5th:

You cannot regret the order of the withdrawal more than I did the necessity of giving it. It will not be rescinded, and you will be expected to execute it with all possible promptness. It is believed that it can be done now without serious danger. This may not be so if there should be any delay. I will write you my views more fully by mail.[b]

On the 6th he replied by mail:

You, General, certainly could not have been more pained at receiving my order than I was at the necessity of issuing it. I was advised by high officers, in whose judgment I had great confidence, to make the order immediately on my arrival here; but I determined not to do so until I could learn your wishes from a personal interview, and, even after that interview, I tried every means in my power to avoid withdrawing your army, and delayed my decision as long as I dared to delay it. I assure you, General, it was not a hasty and inconsiderate act, but one that caused me more anxious thought than any other of my life. But after full and mature consideration of all the pros and cons, I was reluctantly forced to the conclusion that the order must be issued. There was to my mind no alternative. Allow me to allude to a few of the facts of the case. You and your officers, at our interview, estimated the enemy's force in and around Richmond at 200,000 men. Since then you and others report that they have received and are receiving large reenforcements from the South. General Pope's army, now covering Washington, is only 40,000.

Your effective force is only about 90,000; you are 30 miles from Richmond, and General Pope 80 or 90, with the enemy directly between you, ready to fall with

[a] Report of Major-General Halleck, General in Chief, November 25, 1862, Exhibit 1.
[b] McClellan's Report, p. 155.

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superior numbers upon one or the other, as he may elect. Neither can reenforce the other in case of such an attack.

If General Pope's army be diminished to reenforce you, Washington, Maryland, and Pennsylvania would be left uncovered and exposed. If your force be reduced to strengthen Pope, you will be too weak to even hold the position you now occupy should the enemy turn round and attack you in full force. In other words, the old Army of the Potomac is split into two parts, with the entire force of the enemy between them. They can not be united by land without exposing both to destruction, and yet they must be united. To send Pope's forces by water to the Peninsula is, under present circumstances, a military impossibility. The only alternative is to send the forces on the Peninsula to some point by water, say Fredericksburg, where the two armies can be united. * * *

I have not inquired, and do not desire to know, by whose advice or for what reason the Army of the Potomac was separated into two parts, with the enemy between them. I must take things as I find them. I find the forces divided, and I wish to reunite them. Only one feasible plan has been presented for doing this. If you or anyone else had presented a better one, I certainly should have adopted it; but all of your plans require reenforcements, which it is impossible to give you. It is very easy to ask for reenforcements, but it is not so easy to give them when you have no disposable troops at your command.[a]

While in this letter General Halleck magnanimously assumes all the responsibility for the attempt to unite the two armies on the line of the Rappahannock, there is every reason to believe that he was but carrying out a programme which was suggested by the Secretary of War or the Committee on the Conduct of the War before his nomination as General in Chief. The "high officers" who advised him to issue the order immediately on his arrival in Washington doubtless belonged to the "advisory council" of which he had practically confessed himself a member.

The objection that Washington, Maryland, and Pennsylvania would be uncovered, when 25,000 veteran troops could have been left within the defenses of the capital, not taking into account the new troops which would speedily arrive, was but a reiteration of the reasons for originally weakening the Army of the Potomac.

In addition to the letter, there is presumptive evidence too strong to be resisted. In his testimony before the Joint Committee on the Conduct of the War, General Pope, on the 8th of July, a week after the battle of Malvern Hill, stated:

Q. Would you not be in a far better condition to attack Richmond successfully if you had the army on James River somewhere on this side of Richmond?—A. Altogether better. I am not sufficiently familiar with the causes that induced the movement upon the Peninsula with that force, but it has always seemed to me that we had better have made our movement upon Richmond direct from Washington. We should then have been able to have moved the whole force from here, for our movement would, at all times, have covered the place; that would have forced the enemy to have left Richmond and evacuate the entire State, or it would have forced their troops down upon the peninsula between those two great rivers, where they could have been captured or starved to death. I think dividing up our forces to accomplish such an object as that is a great mistake.

Q. By keeping that army up here to operate, they could all have left the city with safety to move upon Richmond?—A. Yes, sir; every man of them. The difficulty now is, that we can not take the troops now here down there without leaving Washington open to attack. If that army was between us and Richmond it would be an easy matter to reenforce it with all the troops here.

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By Mr. COVODE:

Q. Would it not, in your judgment, be the best way to bring that army up here, so that it might unite with your army and go upon Richmond from this side?—A. I think it would. I expressed that opinion to the President a week ago.

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[a] Report of Major General Halleck, General in Chief, Aug. 6, 1862, Exhibit No. 2.

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By Mr. GOOCH:

Q. To what point would you bring that army?—A. Anywhere in this neighborhood. I think to Aquia Creek would be well.

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By Mr. GOOCH:

Q. If that army is to be removed, the more speedily it is removed the better?—A. I think so.

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By Mr. GOOCH:

Q. In the event that we should determine to move our army back to Aquia Creek, would it not be in the power of the rebels to reach here quicker than we could bring that army back here?—A. Yes, sir; quicker than the whole of it could be brought here. But a sufficient force could be brought around in time to prevent their making any considerable progress.

* * * * * * *

Q. Would not the rebels, in all probability, as soon as they were relieved from McClellan's army, move on Washington?—A. The chances are that they would do so.[a]

On the 20th of December, 1861, the day the Committee on the Conduct of the War held its first meeting, the following entry was made in the journal:

* * * By the unanimous consent of the committee, it was agreed that, as a matter of honor, none of its members should reveal anything that transpired in committee until such time as the injunction of secrecy should be removed.[b]

July 15, a week after the committee became possessed of General Pope's plan of campaign and recommendation that the Army of the Potomac be transferred to Aquia Creek, the injunction of secrecy was removed. The Journal for that date reads:

On motion of Mr. Chandler:

Ordered, That any member of the committee be authorized to use such testimony taken before it, in either House of Congress, as he may deem expedient. * * *[c]

With the right exercised by the committee to elicit and then proclaim on the floors of Congress the plans of our commanders, and with the knowledge in the possession of its clerks, stenographers, and printers, one can readily see how the Confederates were able to procure information through their agents in Washington, and to begin the campaign of the Second Bull Run with every assurance of success. Let us now inquire into the movements of the Army of the Potomac subsequent to the order for its withdrawal from Harrison's Landing. August 4, General Halleck telegraphed to General McClellan—

My telegram to you of yesterday will satisfy you in regard to future operations. It was expected that you would have sent off your sick, as directed, without waiting to know what were or would be the intentions of the Government respecting future movements. The President expects that the instructions which were sent you yesterday, with his approval, will be carried out with all possible dispatch and caution. The Quartermaster-General is sending to Fort Monroe all the transportation he can collect.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 279–281.

Mr. Chandler, near the close of General Pope's examination, asked the question: "Suppose that you had the army which was here on the first day of March last, over 200,000 strong, do you suppose you would find any obstacle to prevent your marching from here to New Orleans?" To which General Pope replied: "I should suppose not. I have never seen that army; but if it be the army they say it was, it seems to me it was powerful enough to have gone anywhere." (Report of the Joint Committee on the Conduct of the War, vol. 1, p. 282.)

[b] Ibid., vol. 1, p. 68.

[c] Ibid., p. 102.

[d] McClellan's Report, p. 155.

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August 5, General McClellan replied:

Your telegram of yesterday received, and is being carried out as promptly as possible. With the means at my command, no human power could have moved the sick in the time you say you expected them to be moved. [a]

August 6, General Halleck again telegraphed:

You will immediately send a regiment of cavalry and several batteries of artillery to Burnside's command at Aquia Creek. It is reported that Jackson is moving north with a very large force. [b]

The immense resources of the Government which enabled the War Department, in thirty-seven days, to charter the vessels and transport to Fort Monroe an army of 121,000 men, with all its material, has caused admiring foreigners to liken the movement to the stride of a giant. Where 200 transports were specially provided for horses in the original movement, but 20, or one-tenth, were available for the withdrawal. The large steamships which could carry infantry to Fort Monroe by the thousand could not ascend the James River.

In disembarking at Fort Monroe the horses, in the absence of docks, were thrown overboard and compelled to swim ashore. At Harrison's Landing the sick and wounded, the artillery and cavalry, as well as the vast stores which had been accumulated, could only be shipped at the few docks built for landing supplies.

August 9, the day General Pope was attacked by Stonewall Jackson at Cedar Mountain, with a view to force the withdrawal from the Peninsula, General Halleck telegraphed General McClellan—

I am of the opinion that the enemy is massing his forces in front of Generals Pope and Burnside, and that he expects to crush them and move forward to the Potomac. You must send reenforcements instantly to Aquia Creek. Considering the amount of transportation at your disposal, your delay is not satisfactory. You must move with all possible celerity. [b]

August 10, General McClellan replied:

Telegram of yesterday received. The batteries sent to Burnside took the last available transport yesterday morning. Enough have since arrived to ship 1 regiment of cavalry to-day. The sick are being embarked as rapidly as possible. There has been no unnecessary delay, as you assert—not an hour's—but everything has been and is being pushed as rapidly as possible to carry out your orders. [b]

The same day Captain Sawtelle, acting for Colonel Ingalls, chief quartermaster of the Army of the Potomac, telegraphed General Meigs, Quartermaster-General:

Colonel Ingalls, being himself ill, has requested me to telegraph to you concerning the state and capacity of the transports now here. On the night of the 8th I dispatched 11 steamers, principally small ones, and 6 schooners, with 5 batteries of heavy horse artillery, none of which have yet returned. Requisition is made this morning for transportation of 1,000 cavalry to Aquia Creek. All the schooners that have been chartered for carrying horses have been long since discharged or changed into freight vessels.

A large proportion of the steamers now here are still loaded with stores or are in the floating-hospital service engaged in removing the sick. To transport the 1,000 cavalry to-day will take all the available steamers now here not engaged in the service of the harbor. These steamers could take a large number of infantry, but are not well adapted to the carrying of horses, and much space is thus lost. Several steamers are expected here to-day, and we are unloading schooners rapidly; most of these are not chartered, but are being taken for the service required at same rates of pay as other chartered schooners. If you could cause a more speedy return of the steamers sent away from, here it would facilitate matters. (McClellan's Report, p. 159.)

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[a] McClellan's Report, p. 155. [b] Ibid., p. 159.

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The enemy's movements had already thrown the capital into alarm. At 12 p. m.[a] August 10, General Halleck again telegraphed:

The enemy is crossing the Rapidan in large force. They are fighting General Pope to-day; there must be no further delay in your movements; that which has already occurred was entirely unexpected, and must be satisfactorily explained. Let not a moment's time be lost, and telegraph me daily what progress you have made in executing the order to transfer your troops.[b]

At 11.30 p. m., General McClellan replied:

Your despatch of to-day is received. I assure you again that there has not been any unnecessary delay in carrying out your orders. You are probably laboring under some great mistake as to the amount of transportation available here. I have pushed matters to the utmost in getting off our sick and the troops you ordered to Burnside. Colonel Ingalls has more than once informed the Quartermaster-General of the condition of our water transportation. From the fact that you directed me to keep the order secret, I took it for granted that you would take the steps necessary to provide the requisite transportation. A large number of transports for all arms of service, and for wagons, should at once be sent to Yorktown and Fort Monroe. I shall be ready to move the whole army by land the moment the sick are disposed of. You may be sure that not an hour's delay will occur that can be avoided. I fear you do not realize the difficulty of the operation proposed. The regiment of cavalry for Burnside has been in course of embarkation to-day and to-night; 10 steamers were required for the purpose; 1,258 sick loaded to-day and to-night. Our means exhausted except one vessel returning to Fort Monroe in the morning, which will take some 500 cases of slight sickness. The present moment is probably not the proper one for me to refer to the unnecessary, harsh, and unjust tone of your telegrams of late. It will, however, make no difference in my official action.[c]

August 12, nearly two weeks after the order was issued to send off the sick, General Halleck telegraphed to General McClellan:

The Quartermaster-General informs me that nearly every available steam vessel in the country is now under your control. * * * All vessels in the James River and the Chesapeake Bay were placed at your disposal, and it was supposed that 8,000 or 10,000 of your men could be transported daily. * * * The bulk of your matériel on shore it was thought could be sent to Fort Monroe, covered by that part of the Army which could not get water transportation. Such were the views of the Government here. Perhaps we were misinformed as to the facts; if so, the delay could be explained. Nothing in my telegram was intentionally harsh or unjust, but the delay was so unexpected that an explanation was required. There has been, and is, the most urgent necessity for despatch, and not a single moment must be lost in getting additional troops in front of Washington.[d]

The same night General McClellan replied:

Your despatch of noon to-day received. It is positively the fact that no more men could have been embarked hence than have gone, and that no unnecessary delay has occurred. Before your orders were received Colonel Ingalls directed all available vessels to come from Monroe. Officers have been sent to take personal direction. Have heard nothing here of Burnside's fleet. * * * I am sure that you have been misinformed as to the availability of vessels on hand. We can not use heavily loaded supply vessels for troops or animals, and such constitute the mass of those here, which have been represented to you as capable of transporting this army. * * * I learn that wharf accommodations at Aquia are altogether inadequate for landing troops and supplies to any large extent. Not an hour should be lost in remedying this. * * * With all the facilities at Alexandria and Washington six weeks, about, were occupied in embarking the army and its matériel. Burnside's troops are not a fair criterion for rate of embarkation. All his means were in hand, his outfit specially prepared for the purpose, and his men habituated to the movement.

There shall be no unnecessary delay, but I cannot manufacture vessels. I state these difficulties from experience, and because it appears to me that we have been

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[a] This despatch was doubtless dated 12 m., as otherwise General McClellan could not have replied to it the same day.

[b] McClellan's Report, p. 159.

[c] Ibid., p. 160.

[d] Ibid., pp. 161, 162.

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lately working at cross purposes, because you have not been properly informed by those around you, who ought to know the inherent difficulties of such an undertaking. It is not possible for anyone to place the army where you wish it, ready to move, in less than a month. If Washington is in danger now, this army can scarcely arrive in time to save it; it is in much better position to do so from here than from Aquia.[a] * * *

Had General McClellan been directed to abandon his sick and such stores as could not be transported in the regular supply trains of the army, he could have begun the march to Fort Monroe the day the order was received, but the order directed him first to remove the sick and matériel. This was accomplished in eleven days, and on the 14th, the Fifth Corps, under Fitz John Porter began the retrograde movement. General McClellan, remaining with the rear guard, followed on the 16th.

Whether there was any lack of zeal in the movement of the troops will best appear by quoting the words of Horace Greeley:

General Porter was under orders to halt the advance at Williamsburg until the crossing was complete, but, intercepting there a letter which apprised him that the enemy were concentrating rapidly on Pope with intent to crush him before he could be reenforced, he took the responsibility of pressing on to Newport News, which he reached on the 18th, having marched 60 miles in three days; and on the 20th his corps had embarked and was on its way to Aquia Creek. On that day the last of the army had reached its prescribed points of embarkation at Yorktown, Newport News, and Fortress Monroe. * * *[b]

The order to General Porter was received at 5 p. m. of the 14th. At 7 p. m. his corps was in motion and continued to march all night.

The distance from Williamsburg to Newport News—45 miles—was made between daylight of the 17th and 8 a. m. of the 18th.

If it be considered that the Burnside fleet was not available for several days after the order to withdraw was issued, and that nearly every transport in service was used to supply the current wants of the eastern departments, besides transporting new troops from Boston, New York, and Philadelphia, it will be admitted that under orders to abandon neither sick, wounded, nor stores, the movement of the Army of the Potomac from Harrison's Landing to Fort Monroe was one of the quickest on record.

Nevertheless, nearly a year later, March 11, 1863, General Halleck was asked by the Joint Committee on the Conduct of the War:

Had the Army of the Peninsula been brought to cooperate with the Army of Virginia with the utmost energy that circumstances would have permitted, in your judgment, as a military man, would it not have resulted in our victory instead of our defeat?

To which he replied:

I thought so at the time, and still think so.[c]

Upon this opinion chiefly have contemporary historians based the conclusion that the battle of the Second Bull Run was lost through the tardy movements of the Army of the Potomac.

April 6, 1863, three weeks after General Halleck made the above reply, the Committee on the Conduct of the War, ignoring the influence of its members in forcing the retreat from the Peninsula, reported to Congress as follows:

* * * In the history of that army is to be found all that is necessary to enable your committee to report upon "the conduct of the war." Had that Army fulfilled

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[a] McClellan's Report, pp. 162, 163.
[b] Greeley's American Conflict, vol. 2, p. 171.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 454.

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al that a generous and confiding people were justified in expecting from it, this rebellion had long since been crushed and the blessings of peace restored to this nation. The failure of that Army to fulfill those expectations has prolonged the contest to the present time with all its expenditure of life and treasure, for it has to a great extent neutralized, if not entirely destroyed, the legitimate fruits which would otherwise have been reaped from our glorious victories in the West.[a]

That the reader may form his own conclusions, let us now consider the feasibility of uniting the two armies on the line of the Rappahannock. In effecting the concentration of troops it is a principle of strategy that the point of concentration must be nearer to your own corps than to those of the enemy.

Whether General Halleck be regarded as a free agent, or as the victim of a system which required implicit obedience to the Secretary of War, his neglect of this strategical axiom cannot be excused, particularly as the danger of its violation had just been illustrated in his own department in the West.

When assigned to the command of the Department of the Mississippi in March, 1862, the Army of the Ohio, under General Buell, was at Nashville and the Army of the Tennessee, under General Grant, was moving up the Tennessee River. The point of concentration first selected was Savannah, on the east bank, but the expedition against the Memphis and Charleston Railroad having fallen back and disembarked at Pittsburg Landing, on the west bank 9 miles above, the remainder of the Army of the Tennessee was sent forward to the same place, on which the Army of the Ohio was also directed. From Pittsburg Landing to Nashville the distance was more than 100 miles; from the same point to Corinth, where the Confederate Army lay, it was scarcely 25 miles.

Aware of the impending junction, the Confederates, as already stated, assailed the Army of the Tennessee on the 6th of April and steadily pressed it back, their last attack being only resisted by a heroic effort just as the leading division of the Army of the Ohio reached the field.

The chances of a successful concentration in Virginia were much less promising than at Pittsburg Landing. The Army of Virginia was on the Rapidan, 60 miles from Richmond; the Army of the Potomac was on the James River, 25 miles below. Directly between the two, under a single commander, lay the Confederate army, reenforced by all the troops that could be collected east of the Alleghenies.

To join the Army of Virginia, the Army of the Potomac had to march from Harrison's Landing to Fort Monroe, a distance of from 60 to 70 miles, proceed 125 miles by water from Fort Monroe to Aquia Creek, involving the delay of embarking and disembarking, and thence march to the Orange and Alexandria Railroad, 30 miles farther—in all a distance of 215 miles.

By contrast with the uncertainties of water transportation, the Confederates had two railroads from Richmond—one leading to Fredericksburg, on the Rappahannock, the other to Rapidan Station, on the Rapidan—two points but 30 miles apart.

The first road was available for massing on our left, against the troops from the Army of the Potomac, arriving successively at Aquia Creek; the other was equally available for an attack on the Army of Virginia, while both could be used for a movement against the center, midway between Fredericksburg and Rappahannock station.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 4.

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With all these advantages, the separation of our armies gave to the Confederates an opportunity not to be neglected. Stonewall Jackson, the moment the Seven Days' battles were over, urged an offensive movement against the Army of Virginia. Lee, however, more cautious if not more sagacious, recognizing, like McClellan, that the defense of Washington lay at Richmond, waited till the 13th of July, when, knowing that no reenforcements had been sent to the Army of the Potomac, he moved Jackson with his own and Ewell's division to Culpeper Court House. Near this place, on the 9th of August, Jackson fought the battle of Cedar Mountain, and then fell back across the Rapidan. This temporary retreat resorted to for safety, was but preparatory to a general movement.

The reports of spies from Washington, where, after the injunction of secrecy was removed, army movements could be discussed in Congress, on the streets, and in the hotels; the advance of the Army of Virginia midway to the Confederate capital; the reembarkation of Burnside's corps at Fort Monroe, and its landing at Aquia Creek; the increase of the number of transports on the James River, together with the shipment of troops and stores, satisfied the mind of the Confederate commander that if Richmond was still our objective point, we had determined to reach it by the overland route.[a]

No longer uneasy as to the safety of his capital, he designated a division for its protection, and on the 13th of August, the day before the Fifth Corps began the retreat from the Peninsula, put the main body of his army in march for the Rapidan.

Fortunately for the Union, the Confederates were slow in profiting by their advantage. With but 60 miles to march to the Rapidan, part of the troops proceeding by rail, and a further march of 20 miles to the Rappahannock, it was not till the 21st and 22d of August, that they were able to make demonstrations along the line of the latter river, which, owing to the judicious dispositions of General Pope, they were unable to cross until the 25th.

In the meantime, General Pope had been reenforced by Reno's division of Burnside's corps, and by the Fifth Corps under General Porter, the head of which only arrived at Aquia Creek on the 21st.

Thus, notwithstanding the tardiness of the Confederates, but one corps of the Army of the Potomac, by making forced marches and using every exertion to hasten its transportation by water, was able to join the Army of Virginia on the line designated by the General in Chief.

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[a] Pollard's Lost Cause, p. 303.

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CHAPTER XXIII.

REVIEW OF THE CAMPAIGN OF THE SECOND BULL RUN.

GENERAL POPE'S ORDERS AND DISPOSITION OF TROOPS.

Had General Pope been left to himself, it is probable that he would have conducted his army back to Bull Run or to the defenses where the concentration could have been effected in safety; but on the 21st, General Halleck telegraphed that in fully forty-eight hours he could be made strong enough, adding "Don't yield an inch if you can help it."[a]

This order General Pope carried out to the letter. On the 23d, he intended to cross the Rappahannock and give battle, but was prevented by a rise of the river. The same day, Heintzelman's corps from the Army of the Potomac, without its artillery, arrived by rail at Warrenton Junction, having, by a change of orders, been disembarked at Alexandria, instead of Aquia Creek. On the 25th, General Pope became fully aware of a turning movement by his right. On the 26th, in the evening, Stonewall Jackson, with about 30,000 men, seized his communications at Kettle Run, 6 miles east of Warrenton Junction.

For more than sixteen years, the mass of our loyal people of the country have been convinced that the second battle of Bull Run was lost on the 29th of August, and that the loss was due to the disobedience of orders, insubordination, and treachery of some of the high officers of the Army of the Potomac. This conviction was naturally produced by the official dispatches and subsequent report of the commander of the Army of Virginia.

In settling so important a question, the only safe data are despatches and official reports. From these it appears that up to the night of August 27, the dispositions of the commander of the Army of Virginia were all that could have been expected from a skillful commander. General Halleck had asked him to hold the Rappahannock till the 23d; he held it till the 26th. His army at the time consisted as follows:

Banks's corps	5,000
Sigel's corps	9,000
McDowell's corps (including Reynold's division of the Fifth Corps, Army of the Potomac)	15,500
Reno's corps (Burnside's command)	7,000
Heintzelman's corps and Porter's corps	18,000
Cavalry	4,000
Total	58,500

The cavalry was so completely broken down that there were not more than 500 fit for effective service. Although short of this class of

[a] Report of the Joint Committee on the Conduct of the War, pt. 2, p. 125, Supplement.

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troops, called the eyes of an army, General Pope had exact information of the movements and strength of the enemy. He knew, on the evening of the 27th, that Jackson, with Ewell's, Taliaferro's and A. P. Hill's infantry divisions, supported by cavalry and artillery, the whole from 25,000 to 30,000 strong, had left the main body of Lee's army and gotten completely in his rear. He saw also, with satisfaction, that his own movements betokened an easy victory over his adversary.

The evening of the 27th, McDowell and Sigel, 24,500 strong, were at Gainesville, on the Warrenton and Centreville pike, the only route by which Jackson could escape through Thoroughfare Gap. Reno's command and Kearney's division, with a total of about 11,000, were at Greenwich. Hooker's division of Heintzelman's corps, moving along the Orange and Alexandria Railroad toward Manassas, on the afternoon of the 27th, had already had a fight with Ewell's divisions at Bristoe Station. Porter, with 9,000 men, was between Warrenton Junction and Bristoe. Banks, with 5,000 men, brought up the rear, guarding the material and trains.

Although the two armies had not been wholly united, the commander of the Army of Virginia saw himself at the head of 60,000 men, while the enemy had but 30,000. Another move, and his triumph would be complete. Confident of success, he sent the following order to General Porter at 6.30 p. m. from Bristoe Station:

The Major-General Commanding directs that you start at 1 o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about 300 killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is * * * It is necessary on all accounts that you should be here by daylight.[a]

To General Kearny he sent orders from Bristoe at 9.30 p. m.:

At the very earliest blush of dawn push forward with your command with all speed to this place. You can not be more than 3 or 4 miles distant. Jackson, A. P. Hill, and Ewell are in front of us. Hooker has had a severe fight with them to-day. McDowell marches upon Manassas Junction from Gainesville to-morrow at daybreak. Reno upon the same place at the same hour. I want you here at day dawn, if possible, and we shall bag the whole crowd. Be prompt and expeditious, and never mind wagon trains or roads till this affair is over.[b]

To General McDowell (commanding left wing, consisting of his own and Sigel's corps) he sent orders:

At daylight to-morrow morning march rapidly on Manassas Junction with your whole force, resting your right on the Manassas Gap Railroad, throwing your left well to the east. Jackson, Ewell, and A. P. Hill are between Gainesville and Manassas Junction. We had a severe fight with them to-day, driving them back several miles along the railroad. If you will march promptly and rapidly at the earliest dawn of day upon Manassas Junction, we shall bag the whole crowd. I have directed Reno to march from Greenwich at the same hour upon Manassas Junction, and Kearny, who is in his rear, to march on Bristo at daybreak. Be expeditious and the day is our own.[b]

The order to General McDowell implied that he should march in parallel columns, or en échelon of columns, with sufficient distance between them to form line at any moment, his right resting on the Manassas Gap Railroad, his left "well to the east."

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[a] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 144.

[b] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 145, Supplement.

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General McDowell's order shows that he comprehended the views of the army commander. It read:

I. Major-General Sigel will immediately march with his whole corps on Manassas Junction, his right resting on the Manassas Railroad.

II. Brigadier-General Reynolds will march on the turnpike, immediately in the rear of General Sigel, and form his division on the left of General Sigel, and march upon Manassas Junction.

III. Brigadier-General King will follow immediately after General Reynolds and form his division on General Reynolds's left and direct his march on Manassas Junction.

IV. Brigadier-General Ricketts will follow Brigadier-General King and march to Gainesville, and if on arriving there no indication shall appear of the approach of the enemy from Thoroughfare Gap, he will continue his march along the turnpike, form on the left of General King, and march on Manassas Junction. He will be constantly on the lookout for an attack from the direction of Thoroughfare Gap, and in case one is threatened, he will form his division to the left and march to resist it. The headquarters of the corps will be at King's division. [a]

General Pope believed the enemy to be between Gainesville and Manassas, and this conclusion was warranted by such information as he had received.

The enemy in the meantime had made new dispositions. Talliaferro's division, late on the night of the 27th, or early in the morning of the 28th, moved from Manassas by the Sudley Church road and took position on the Warrenton pike near Groveton, three miles and a half east of Gainesville. Ewell's division, crossing Bull Run on the morning of the 28th, moved up the north bank, and then joined Talliaferro, via the Warrenton pike. A. P. Hill at the same time moved to Centreville, turned to the left, and via the Warrenton pike hastened to join the other two divisions west of Bull Run. Jackson's cavalry pressed on to Fairfax Court-House. Whether the enemy had remained at Manassas on the morning of the 28th, or was executing the movements just explained, it admits of no doubt that had General Pope's order been executed (by McDowell's command), Jackson must have been totally defeated, if not captured.

On a front of two lines, omitting Ricketts's division, which was wisely ordered to Thoroughfare Gap, General McDowell's two corps would have extended almost two miles. To execute the movement directed in General McDowell's order, King's division, which was to form the left, must have marched by the Warrenton pike as far east as Groveton before turning off for Manassas. This will appear the more certain, when it is stated that had line been formed with the right resting on the Manassas Gap Railroad, three miles east of Gainesville, the left would have reached to Groveton. To cover properly the advance of McDowell's left, his cavalry should have been sent at least two miles east of Groveton, which would have enabled it to overlook Bull Run and thus discover any movement of the enemy on the Warrenton pike west of Stone Bridge. Had this precaution been observed, or even had the left column advanced without cavalry as far east as Groveton, the enemy's position would have been discovered and a battle would have been inevitable. But to prevent such a result a series of contretemps now occurred, for which General Pope was in no wise responsible.

On the evening of the 27th, one division of Sigel's corps was at Gainesville, the other a mile or two in its rear. McDowell's corps

[a] Report of Military Operations during the Rebellion, vol. 6, p. 222.

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was at Buckland Mills, three miles west of Gainesville. General Pope's order prescribed that the troops should move at earliest dawn, but at 7.30 a. m. General McDowell was notified by General Reynolds, commanding the leading division of his own corps, that Sigel's corps was halting at the junction of the pike and the Manassas Gap Railroad, and that it was making no preparations to advance, the men at the time being engaged in cooking their breakfasts.[a] Although an adjutant-general was sent to correct the neglect, it was not till late in the forenoon that the head of the corps began the march for Manassas. Meanwhile Reynolds's division, crossing the railroad and advancing toward Groveton, had a brush with the enemy, whose sudden disappearance led to the belief that it was merely a rear guard or a detachment of cavalry with artillery, sent out to reconnoiter.

The demonstration, however, slight as it was, made both Reynolds and Sigel deploy—the former perpendicular, the latter parallel to the pike. This caused another delay, succeeded by a mistake which more than any other proved fatal to the campaign. In resuming the march, General Sigel misconstrued his orders and began a circular movement to place his right on the Orange and Alexandria Railroad. Reynolds and King followed in echelon, on the left. As a consequence, the whole force which was to have advanced on the north of the Manassas Gap Railroad, crossed to the south and proceeded in this false direction until the right arrived within 2½ miles of Manassas. Here the cavalry reported that the place had been evacuated.

General Sigel states in his report that, before he faced his corps about and moved back to form line near Gainesville so as to assist General Reynolds, the cavalry sent out a mile and a half to the left of the road to Manassas was shelled by the enemy. This fact, in connection with General Reynolds's skirmish at Gainesville, denoted the presence of the enemy in the direction of Groveton. Later in the day, when the movement was again resumed, the two corps passing around the enemy's flank lost their contact, and hence when they arrived near Manassas had no information to communicate. General Pope was thus left to divine the enemy's movements from such information as he could gather at Manassas.

The orders that followed, with the serious consequences they entailed, will justify us in pausing for a few moments to call attention to the inadequate strength of the Adjutant-General's Department.

Of late no argument has been used more effectively to prevent military legislation, than the assertion that the principles of military organization abroad are designed to support monarchies, and that, if not dangerous, they are at least incompatible with free institutions. No delusion could be greater. The student of modern history cannot fail to discover that the principles of organization, like those of strategy, are of universal application, and that no nation has ever violated them, except at its peril.

Under the European system, by means of war academies and interchangeability between the line and the staff, every division commander in time of war is furnished with at least three, and every corps commander with at least six, and every army commander with from half a dozen to a dozen officers of the general staff, all of whom have made military history and the movements of armies a special study.

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[a] McDowell's report, Report of Military Operations during the Rebellion, vol. 6, p. 207.

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In the Franco-German War, the chief of staff of the Tenth Corps, on the morning of the battle of Gravelotte, detailed one of his subordinates to each division. These officers, accompanied by orderlies, and made acquainted with operations of the day, were instructed to report every important event that transpired. They were not spies on the division commander, but acting on the just theory that the latter would often be too much engaged to communicate intelligence of vital importance. they served as a double line of communication between the corps commander and the troops.

Our Army in 1861, was of course too small to furnish the same number of trained officers as is contemplated in foreign services, but with a little previous preparation, we might have furnished a competent chief of staff to each of the twenty-five corps commanders. Had such an adviser been by the side of General Sigel, to write his instructions for the movements of his divisions, it would scarcely have been possible for his gross misconstruction of orders to have escaped discovery and correction. There was, however, no such officer near him, and, as a consequence, when General McDowell was apprised of his mistake, it was probably too late to correct it.

The left wing having in this manner arrived near Manassas, with no exact knowledge of the enemy's whereabouts, let us see what benefit the country might possibly have derived from having a few competent staff officers at army headquarters. Map in hand, each eager to penetrate the enemy's designs and to suggest the means of circumventing him, they would have asked, on learning of his disappearance from Manassas, the following questions: Will he make a raid around the army with infantry? No; that would be folly. He has reason to believe that our main army is advancing along the railroad; that he might be headed off by troops moving from Fredericksburg, while the main army striking him in flank might cut him in two, if not force him to surrender.

Is he going to move upon Washington? No; that would be equally absurd. He knows that between him and the capital he will encounter formidable entrenchments and that behind them there is still the Potomac. Moreover, through his spies, he ought now to know that the Army of the Potomac is disembarking at Alexandria. To deceive us. will he make a demonstration on Centreville, and then maneuver to the northwest to open communication with his main body? This course, and this one only, conforms to the principles of strategy and on this supposition we should act.

In the meantime the general, presumably better instructed than his staff, would probably have come to the same conclusion, but had he not, the moment they saw him in doubt or about to order a movement upon Centreville, any one of them by exclaiming, "To the Warrenton pike," might have settled the fate of the Confederacy.[a]

It was now but 1 o'clock. Kearny, followed by Hooker and Reno, was at Manassas, less than 6 miles from the pike, which was Jackson's first line of retreat. Sigel, next on the left, was 4 miles, and Reynolds

[a] It is related that on one occasion a soldier who was standing near Napoleon, observed a blunder committed by the enemy when he instantly exclaimed: "Send a squadron there and they are ours!"

Napoleon, who heard the remark, inquired for him after the battle, but he was not to be found. It is possible that from the knapsack of this nameless soldier death snatched the baton of a great marshal.

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but 2 miles, from Groveton. Porter, available as a reserve, was awaiting orders at Bristoe, 6 miles from Groveton. King still remained in the immediate vicinity of Gainesville. Ricketts was disputing Longstreet's advance through Thoroughfare Gap. The enemy at the same time had scarcely more than a division at Groveton, the other two being on the march from the east side of Bull Run. Had a movement now been ordered upon Groveton, King, Reynolds, and Sigel would have engaged Talliaferro's division within less than two hours, while the right wing, Kearny, Hooker, and Reno, advancing on the Sudley Spring and parallel roads, would have engaged Ewell and Hill before they could have joined Talliaferro.

Unfortunately for the country this opportunity to crush Jackson was lost, as General Pope had no information and was left to divine the enemy's movements from what he could learn at Manassas. His troops were now converging to no purpose and new combinations had to be made. All the movements of the enemy previously discussed seemed to have passed through the mind of the commander. His first impulse was correct. He ordered the left wing to Gum Spring, and had there been a single adviser near him to strengthen this resolution, a victory, according to the doctrine of chances, must have ensued. The movement would have taken McDowell's two corps to Groveton, and not striking the enemy there, he would have proceeded 8 miles farther to the Little River pike, Jackson's last line of retreat.

At 1.20 p. m., General Pope's purpose to march his whole force to the Warrenton pike was clearly defined. He wrote to General McDowell as follows:

> I sent you a despatch a few minutes ago, directing you to move on Gum Spring to intercept Jackson. Since then I have received your note of this morning. I will this evening push forward Reno to Gainesville and follow with Heintzelman, unless there is a large force of the enemy at Centreville, which I do not believe. Ascertain, if you can, about this. I do not wish you to carry out the order to proceed to Gum Spring if you consider it too hazardous, but I will support you in any way you suggest, by pushing forward from Manassas Junction across the turnpike. Jackson has a large train, which should certainly be captured. Give me your views fully. You know the country much better than I do. Come no further in this direction with your command, but call back what has advanced thus far. [a]

It must be admitted that in default of positive knowledge as to the enemy's position, which the commander had a right to expect from the left wing, no act of reasoning ever promised more brilliant results, but before the above order could be received and put into execution, information from another direction changed the plan of campaign. At 4.15 p. m., General Pope, from Manassas, wrote General McDowell:

> The enemy is reported in force on the other side of Bull Run, on the Orange and Alexandria Railroad, as also near Centreville. I have ordered Sigel to march on Centreville immediately, as also Kearny and Reno. I will advance Hooker as reserve. Please march immediately with your command directly upon Centerville from where you are. [b]

Overlooking his, McDowell's, neglect to have Sigel move on Manassas at dawn, it was not till after the order to march on Centreville was received, that the fatal consequences of McDowell's failure to check Sigel's effort, to place his right on the Orange and Alexandria Railroad, became fully apparent.

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[a] Report of Military Operations during the Rebellion, vol. 6, p. 222.
[b] Ibid., p. 223.

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General Sigel's instructions, received at 3 a. m., required him to march immediately with his whole corps, his right resting on the Manassas Gap Railroad. Had he obeyed them it would not have been possible, as we have seen, for the two corps, Reynolds and King advancing on the left in échelon of columns, to have passed through the interval of 2 miles from Groveton to the railroad, without coming in contact with the enemy. The sound of battle from this direction would have produced an instant change in the movements of the right wing. Kearny and Reno, instead of marching east from Greenwich to Manassas Junction, on learning from the cavalry that the latter point was evacuated, could have turned north and in less than two hours could have arrived on the field of battle. Hooker and Porter following in their footsteps, would have been within easy supporting distance. With all these advantages in our favor it seems incredible that the enemy should have escaped.

As early as 9 a. m. of the 28th, the whole army of Virginia, save Bank's corps, whether moving upon Manassas from Gainesville, Buckland Mills, Greenwich, or Bristoe, were within a circle of less than 6 miles from Groveton, where, with all of McDowell's corps in its rear, but one division of Jackson's force was then posted. Yet, with destruction thus staring it in the face, the faulty use of our cavalry and the movement of the left wing to the south of the Manassas Gap Railroad, permitted Talliaferro's division to remain undiscovered, while passing almost within musket range of its outposts.

After receiving the 4.15 p. m. order, General Sigel states in his report: "I was sure that the enemy must be somewhere between Centreville and Gainesville,"[a] and asked permission to march to New Market, a point midway between the Orange and Alexandria Railroad and the Warrenton pike. This speculation, which hours before should have given place to positive information, came too late. Our army had begun the unfortunate march upon Centreville. Its commander, with Kearny, Hooker, and Reno, was already hastening away from the enemy toward the new point of concentration. Sigel's route, from the point where the order of 4.15 p. m. reached him, lay about midway between the Warrenton pike and the road from Manassas to Centreville. On crossing the road from Manassas to New Market, he learned from his advance guard, that the enemy was on the west side of Bull Run, on the roads leading from New Market to Groveton and Sudley Springs. He therefore detached Milroy's and McLean's brigades to advance upon him, and with one brigade and Schurz's division, continued his march till he arrived near the fords of Bull Run. Here, learning that Centreville was evacuated and that his back was toward the enemy, he changed direction to the northwest and moved toward the Warrenton pike to join the two brigades previously detached.

In the meantime, King's division, which in consequence of the de ays and mistakes already related, had remained all day in the vicinity of Gainesville, was directed to move upon Centreville by the Warrenton pike. This order speedily brought him into collision with Talliaferro's and Ewell's divisions, about a mile northwest of Groveton, with whom he fought till toward 9 p. m.

Reynolds's division, in its movement upon Manassas, had arrived near the Sudley Church road, when at 5 p. m., it received the order to

[a] Report of Military Operations during the Rebellion, vol. 6, p. 106.

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march by this road to the Warrenton pike and thence to Centreville. Its commander shortly after, hearing firing to his left, west of Groveton, and to his right and front in the presumed direction of General Sigel, went in person to the left, whence after the firing ceased, he arranged with General King to reenforce the latter at daylight. At 1 a. m. of the 29th, however, King having received no orders from his corps commander, took the responsibility of withdrawing, and directed his march upon Manassas.

During the whole afternoon of the 28th, Ricketts disputed the advance of Longstreet's corps through Thoroughfare Gap, but after dark, finding that both of his flanks were in danger of being turned, and receiving no orders, he fell back to Gainesville. There, learning that King's division was moving upon Manassas, he decided to march upon the same point via Bristoe.

With the retirement of King's and Ricketts's divisions of McDowell's corps, vanished the last chance of destroying Jackson. Longstreet's advance was already through Thoroughfare Gap; the Warrenton pike was left open, and now a distance of but 8 miles separated the two wings of the once divided army. While events thus favored the speedy junction of the Confederate army, lack of information caused the Union forces to be scattered more and more. The report of King's engagement reached General Pope at Centreville about 10 p. m., but unaware of the withdrawal of McDowell's two divisions, it only led him into another serious error. At 3 a. m. of the 29th, the following despatch was sent to General Porter at Bristoe:

> McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.[a]

This despatch, although dated 3 a. m. on the 29th, may be said to have closed the events of the 28th.

At the beginning of the campaign along the Rappahannock, all the advantages were on the side of the enemy. He had a united army against two disunited armies, whose junction on the line selected was, from the beginning, impossible.

This advantage, in his eagerness to attack the Union line of communications, he threw away. By an unwise movement the position of the contending forces on the morning of the 28th was reversed. The wings of Lee's army were separated and between them lay the whole army of Virginia, 60,000 strong. The force in its rear numbered less than 30,000. At dawn one-third of this scattered force was within 3½ miles of McDowell's column of more than 25,000 men. On the night of the 28th, all of Jackson's troops were united and before 3 a. m. of the 29th, the date of Porter's order to march upon Centreville, his communication was fully restored with Longstreet. His escape was miraculous, but was in no sense accomplished by his superior strategy. It was due to the false movements of the left wing, under McDowell, which, within a radius of scarcely 3 miles, circled from the pike west of Gainesville to the pike east of Groveton without discovering till nightfall the enemy's position.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 2, Supplement.

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Corps and division commanders without professional experience, incompetent staff officers, a cavalry broken down and made useless less by long marches, than by inexperienced colonels and captains who did not yet know how to husband the strength of their horses, are some of the lessons conveyed by this lost opportunity to suppress the Rebellion.

The position of the Union troops at the close of the 28th was as follows: Kearny, Hooker, and Reno were near Centreville; Sigel near the Henry House on the Warrenton pike, facing toward Sudley Spring and Groveton; Reynolds's division on Sigel's left, facing west; King's division marching from Gainesville to Manassas; Ricketts's division marching from Thoroughfare Gap via Gainesville to Bristoe; Porter at Bristoe; Banks south of Bristoe guarding the trains.

The position of the enemy on the night of the 28th was: Jackson extending from the vicinity of Groveton to Sudley Church, facing toward Centreville; Longstreet's advance east of Thoroughfare Gap, his main body near its western entrance.

It will be seen from the relative positions of the forces, that the opportunity for decisive action so temptingly offered to the Union troops, on the morning of the 28th, passed to the Confederates, on the morning of the 29th. But in this emergency fortune was strictly impartial. Lack of information saved the Confederates on the 28th and, on the 29th, rendered the same service to the Union.

BOARD OF INQUIRY ON GENERAL FITZ JOHN PORTER.

In regard to the concentration of the Confederates, General Longstreet states:

> My command (25,000 in round numbers) was within supporting distance of General Jackson at 9 a. m., August 29, having passed Thoroughfare Gap at early dawn. My command was deployed in double line for attack between 10 a. m. and 12 m. on the 29th, extending from Jackson's right across turnpike and Manassas Gap Railroad. My command was ready to receive any attack after 11 a. m.[a]

While this evidence should be conclusive as to the hour of the junction of the Confederate forces, the information in the possession of the Union commanders at the time, was sufficient to warn them of what was taking place. Ricketts had fought with the advance guard of Longstreet during the whole afternoon of the 28th, until his right flank was turned through Hopewell Gap, while his left was exposed by an advance through New Baltimore. But more definite information pointed to the exact time of the junction. General Buford notified General McDowell that at 8.45 a. m. on the 29th, seventeen regiments of infantry, a battery of artillery, and some cavalry had marched through Gainesville, on the way to Groveton.

Pending this junction, the dispositions of the Union right wing were as follows: Sigel and Reynolds facing westward attacked Jackson at daylight. Kearny, ordered to march from Centreville at 1 a. m., moved at daylight and came up on Sigel's right between 9 and 10 a. m. Hooker, following Kearny, arrived at 11 a. m., Reno an hour later. To the attack of Sigel and want of correct information, may be ascribed the failure of the enemy to profit at this time by their superior numbers.

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[a] Proceedings and Report of the Board of Army Officers in the case of Fitz John Porter, vol. 1, p. 46.

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The situation of our left wing was much more critical than the right. At 9.30 a. m., instead of being in line of battle, it was marching, pursuant to orders, away from the field toward Centreville, the head of Porter's corps being east of Manassas.

At the above time General Porter received the order:

> Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much. [a]

Countermarching pursuant to this order, the head of General Porter's corps arrived at 11.30 a. m. at Dawkins Branch, about 3½ miles from Gainesville and 9½ from Thoroughfare Gap. Here, half a mile south of the Manassas Gap Railroad and 2½ miles south of Groveton, in a position which General McDowell told him "was too far out," "this is no place to fight a battle," he met the enemy and began to deploy. In front of him Longstreet, in line of battle, was ready to receive an attack as early as 11 a. m.

In describing the situation at this juncture "The Proceedings and Report of the Board of Officers in the case of Fitz John Porter" states: [b]

> In contrast to this evident preparation of the enemy for battle, only Porter's 9,000 or 10,000 men were ready for action, of the 35,000 men then composing the left wing of the Union army. Banks's corps, 10,000, was still at Bristoe, without orders to move beyond that point. Ricketts's division, 8,000, was near Bristoe, under orders to move to the front, but his men were so worn out by constant marching, night and day, that they could not possibly be got to the field even for defensive action that day. King's division, 7,000, was just in rear of Porter, but was so fatigued as to be unfit for offensive action, and hardly able to march.
>
> Thus, this long column, stretching back from Dawkins Branch by way of Manassas Junction to and even beyond Bristoe, had struck the right wing of the Confederate army in line of battle, while a gap of nearly 2 miles remained in the Union line between Porter and Reynolds, who was on the left of Sigel, near Groveton. * * *
>
> This was the military situation on the Union left and Confederate right of the field, when McDowell arrested Porter's advance, and Porter's operations under the direct orders from Pope, heretofore mentioned, ceased, and, under new orders just received, Porter became subordinate to McDowell. Not only had the effort to destroy Jackson before he could be reenforced totally failed, but the Confederate army was on the field and in line, while the Union Army was not. The time to resume defensive action, awaiting the concentration of the Army, had not only arrived, but had been too long postponed.
>
> On his way to the front McDowell had received the following General Orders, No. 5 from General Pope, dated from Centreville August 29, addressed jointly to him and Porter, and Porter had received a copy of the same order a moment before McDowell's arrival:
>
> "Generals McDowell and Porter: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in anyway with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his

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[a] Proceedings and Report of the Board of Army Officers in the case of Fitz John Porter, vol. 2, p. 1806.

[b] The Board of Officers appointed to investigate the military record of Gen. Fitz John Porter was composed of Maj. Gen. John M. Schofield, U. S. Army, Brig. Gen. Alfred H. Terry, U. S. Army, and Col. George W. Getty, brevet major-general, U. S. Army, with Maj. Asa B. Gardner, judge-advocate, U. S. Army, as recorder of the board. It was instituted by an order of the War Department of April 12, 1878, and completed its investigations about a year later.—Editors.

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position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out.

"One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place."

This order and the sixty-second article of war made it the duty of McDowell to command the combined corps. * * * Upon McDowell devolved the responsibility of modifying the joint order as its terms authorized and as the military situation seemed imperatively to require. The terms of the order contemplating that communication should be established with the troops on the other road, or, as General McDowell interpreted it, that line should be formed in connection with those troops, that the whole command should then halt, and that the troops must not go beyond a point from which they could reach Bull Run by that night or the next morning, and the military situation as it then appeared to them was briefly discussed by the two generals.

The situation was exceedingly critical. If the enemy should attack, as he seemed about ready to do, Porter's two divisions, about 9,000 men, were all the force then ready to stand between Lee's main army, just arrived on the field, and McDowell's long and weary column, or the left flank of Pope's army near Groveton. McDowell was excessively anxious to get King's division over on the left of Reynolds's, who then occupied with his small division that exposed flank; and he quickly decided that considerable advantages were to be gained by departing from the terms of the joint order, so far as to make no attempt to go farther toward Gainesville, and to at once form line with the troops then engaged near Groveton; and this departure from the strict letter of the joint order was evidently required by the military situation as it then appeared and as it did actually exist. * * *

McDowell then left Porter very hurriedly, announcing his decision, as he testified, by the words, "You put your force in here, and I will take mine up the Sudley Springs road on the left of the troops engaged at that point against the enemy," or words to that effect.[a] * * *

However zealous and patriotic a general might be, his impatience to attack would have been restrained by the joint order. It stated distinctly—

I desire that as soon as communication is established between this force (i. e., the one at Groveton) and your own, the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be on account of our supplies. * * * One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning.

During the afternoon, after General McDowell left, General Porter made several efforts to communicate with the troops on his right, but without success.

The Board states:

* * * The scouts were all driven back or captured. As it turned out, this resulted from the fact that King's division did not get up on the right of the woods at all. That division reached a point some distance in rear of its position in the line about 4.30 p. m., and then, after some marching and countermarching, was sent northward to the Warrenton pike. Thus the gap in the line which McDowell's troops were to occupy remained open all the afternoon, and the margin of the timber remained in possession of the enemy's pickets. * * * On the Confederate side, as it now appears, Porter's display of troops, three brigades in line, in the early part of the afternoon, had given rise to the expectation of an attack on their right. This having been reported to General Longstreet, that commander sent his reserve division (Wilcox's), from his extreme left, just north of the Warrenton turnpike, to his extreme right on the Manassas and Gainesville road. Wilcox reached this

[a] Proceedings and Report of the Board of Army Officers in the case of Fitz John Porter, vol. 2, pp. 1807, 1808, 1809.

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latter position about 4 o'clock p. m., and Porter having before that time withdrawn his troops under cover, some troops from the Confederate right (D. R. Jones's) were pushed to the front in the woods occupied by Porter's skirmishers, apparently to reconnoiter. This movement gave rise to the impression among Porter's officers (Morrill's division) that the enemy was about to attack about 5 p. m.[a] * * *

So far as the joint order entitled General McDowell to command, it ceased when he took King's division and started to the right.

The only order received by General Porter from General Pope on the 29th, was dated 4.30 p. m., and read:

Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping our right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.[b]

It will be observed that the order "to keep heavy reserves, and use your batteries," with the intimation that he might have to fall back, was sufficient to destroy the energy of the contemplated attack. The order however, was not received till 6.30 p. m., too late, had it been carried into effect, to obtain decisive results.

The Board states:

If the 4.30 order had been promptly delivered a very grave responsibility would have devolved upon General Porter. The order was based upon conditions which were essentially erroneous and upon expectations which could not possibly be realized.

It required an attack upon the enemy's flank or rear, which could not be made, and that the attacking force keep closed on Reynolds, who was far to the right and beyond reach. Yet it would have been too late to correct the error and have the order modified. That order appeared to be part of a general plan. It must be executed promptly or not at all. If Porter had made not the impossible attack which was ordered, but a direct attack upon the enemy's right wing, would he have been blameless for the fruitless sacrifice of his troops? We believe not. It is a well-established military maxim, that a corps commander is not justifiable in making an apparently hopeless attack, in obedience to an order from a superior who is not on the spot, and who is evidently in error in respect to the essential conditions upon which the order is based. The duty of the corps commander in such a case is to make not a real attack, but a strong demonstration, so as to prevent the enemy in his front from sending reenforcements to other parts of his line. * * *

The display of troops made by Porter earlier in the afternoon, had all the desired and all possible beneficial effect. It caused Longstreet's reserve division to be sent to his extreme right in front of Porter's position. There that division remained until about 6 o'clock—too late for it to take any effective part in the operations at other points of the line.

A powerful and well-sustained attack by the combined forces of Porter's corps and King's division upon the enemy's right wing, if it had been commenced early in the afternoon, might have drawn to that part of the field so large a part of Longstreet's force, as to have given Pope some chance of success against Jackson, but an attack by Porter alone could have been but an ineffective blow, destructive only to the force that made it, and, followed by a counter attack, disastrous to the Union Army. Such an attack, under such circumstances, would have been not only a great blunder, but, on the part of an intelligent officer, it would have been a great crime.

What General Porter actually did do, although his situation was by no means free from embarrassment and anxiety at the time, now seems to have been only the simple, necessary action which an intelligent soldier had no choice but to take. It is not possible that any court-martial could have condemned such conduct, if it had been correctly understood. On the contrary, that conduct was obedient, subordinate, faithful, and judicious. It saved the Union Army from disaster on the 29th of August. This ends the transactions upon which were based the charges of which General Porter was pronounced guilty.[c] * * *

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[a] Proceedings and Report of the Board of Army Officers in the case of Fitz John Porter, vol. 2, p. 1704.

[b] Ibid., p. 1706.

[c] Ibid, pp. 1709, 1710.

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Clear as may be the foregoing presentation of facts, the full advantage we reaped from the ignorance of the enemy will only appear on reflecting that, instead of waiting to be attacked, had Longstreet with his four divisions already in line of battle, numbering 25,000 men, moved at once against Porter's column, overlapping it on both flanks, and giving neither it nor King's division time to deploy, the occupation of Manassas would not only have enabled him to cut off Banks and Ricketts, but would have exposed nearly all the trains of the army to capture.

The investigations of the Board should be conclusive that no opportunity to destroy Jackson occurred on the 29th, much less was it lost, through the disobedience of General Porter.

In addition, however, to charging so grave a responsibility upon him, contemporary history, again misapprehending the facts, has alleged that a victory might have been gained on the 30th, had the corps of Franklin and Sumner marched to join the Army of Virginia, immediately on arriving at Alexandria. As the blame for this failure has been laid upon General McClellan, instead of being imputed to the impossible plan for uniting the two armies on the Rappahannock, it again becomes necessary to recur to despatches. To fully understand them, it is necessary to state that although no order had been issued formally relieving General McClellan from the command of the Army of the Potomac, he had in effect been removed by the orders sent to his subordinate commanders.

GENERAL M'CLELLAN'S DESPATCHES.

Keyes's corps was left at Yorktown; Heintzelman's and Porter's had already joined the Army of Virginia; Franklin's had arrived at Alexandria; Sumner's, on transports, was near Aquia Creek. Thus stripped of his command, General McClellan in person arrived at Aquia Creek, at daylight on the 24th, whence, by telegram, he immediately reported for orders. Not knowing his status nor the position of the Army of Virginia, at 2 p. m. he telegraphed for information:

* * * Please inform me immediately exactly where Pope is and what doing; until I know that, I cannot regulate Porter's movements; he is much exposed now, and decided measures should be taken at once. Until I know what my command and position are to be, and whether you still intend to place me in the command indicated in your first letter to me, and orally through General Burnside, at the Chickahominy, I cannot decide where I can be of most use. If your determination is unchanged, I ought to go to Alexandria at once. Please define my position and duties.[a]

To this General Halleck replied the same day as follows:

You ask me for information which I cannot give. I do not know either where General Pope is or where the enemy in force is. These are matters which I have all day been most anxious to ascertain.[b]

Left in almost total darkness as to his position and authority for the next eight or nine days, General McClellan, in compliance with orders from General Halleck, arrived at Alexandria during the night of the 26th, whence the following morning, the 27th, he telegraphed:

I arrived here last night and have taken measures to ascertain the state of affairs here, and that proper remedies may be applied. Just received a rumor that railway bridge over Bull Run was burned last night.[b]

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[a] McClellan's Report, p. 169.
[b] Ibid., p. 170.

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During the day he received the following reply.

Direct General Casey to furnish you about 5,000 of the new troops under his command. Take entire direction of the sending out of the troops from Alexandria. Determine questions of priority in transportation, and the places they shall occupy; Pope's headquarters are near Warrenton Junction, but I cannot ascertain the present position of his troops.[a]

At 10 a. m., August 27, General Halleck telegraphed:

I can get no satisfactory information from the front, either of the enemy or of our troops. There seems to have been great neglect and carelessness about Manassas. Franklin's corps should march in that direction as soon as possible. A competent officer should be sent out to take direction of affairs in that vicinity.[b]

Twenty minutes later General McClellan replied:

* * * Porter is marching on Warrenton Junction to reenforce Pope. Nothing said of Heintzelman. Porter reports a general battle imminent. Franklin's corps should move out by forced marches, carrying three or four days' provisions, and to be supplied, as far as possible, by railroad.[b]

At 10.50 a. m. he again telegraphed:

I have sent all the information I possess to Burnside, instructing him to look out well for his right flank between the Rappahannock and Potomac, and to send no trains to Porter without an escort. I fear the cavalry who dashed at Bull Run last night may trouble Burnside a little. I have sent to communicate with Porter and Heintzelman, via Falmouth, and hope to give you some definite information in a few hours. I shall land the next cavalry I get hold of here and send it out to keep open the communication between Pope and Porter, also to watch vicinity of Manassas. Please send me a number of copies of the best maps of field of operations. I can use fifty to advantage.[c]

At 11.20 a. m. he again telegraphed:

In view of Burnside's despatch, just received, would it not be advisable to throw the mass of Sumner's corps here to move out with Franklin to Centreville and vicinity? If a decisive battle is fought at Warrenton, a disaster would leave any troops on Lower Rappahannock in a dangerous position. They would do better service in front of Washington.[d]

Doubtless alluding to the same despatch from General Burnside, General Halleck, at 12 m., telegraphed:

Telegram from General Porter to General Burnside, just received, says that Banks is at Fayetteville; McDowell, Sigel, and Ricketts, near Warrenton; Reno on his right; Porter is marching on Warrenton Junction to reenforce Pope; nothing said of Heintzelman. Porter reports a general battle imminent. Franklin's corps should move out by forced marches, carrying three or four days' provisions, and to be supplied as far as possible by railroad. Perhaps you may prefer some other road than that to Centreville. Colonel Haupt has just telegraphed about sending out troops, etc. Please see him and give him your directions. There has been some serious neglect to guard the railroad, which should be immediately remedied.[d]

At the same moment General McClellan sent another despatch:

I have just learned, through General Woodbury, that it was stated in your office last night that it was very strange that, with 20,000 men here, I did not prevent the raid upon Manassas. This induces me to ask whether your remark, in your telegram to-day, that there had been great neglect about Manassas, was intended to apply to me? I cannot suppose it was, knowing as you do that I arrived here without information, and with no instructions beyond pushing the landing of my troops. The

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[a] McClellan's Report, p. 171.
[b] Report of the Committee on the Conduct of the War, vol. 1, p. 456.
[c] Frank Moore's Rebellion Record vol. 1, p. 611, Supplement.
[d] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 457.

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bridge was burned before my arrival. I knew nothing of it till this morning. I ask, as a matter of justice, that you will prevent your staff from making statements which do me such great injustice, at a time when the most cordial cooperation is required.[a]

In all grades of the military service, reputations have frequently been destroyed by backbiters at headquarters, and McClellan knew that such influences were still at work to poison the minds of his superiors. He therefore remonstrated, and in reply, General Halleck at 2.40 p. m. telegraphed:

No remark was made by me, or in my hearing, reflecting on you in relation to Manassas. * * * It would have been perfect nonsense to have referred to you, when you had just arrived and knew nothing of the disposition of the troops. Indeed, I did not blame any particular person, but merely said there must have been neglect somewhere. I think you must have misunderstood General Woodbury, for he could not possibly have drawn such an inference from anything I have said.[b]

At 12.05 p. m. General McClellan again telegraphed:

My aid has just returned from General Franklin's camp; reports that Generals Franklin, Smith, and Slocum are all in Washington. He gave the order to the next in rank to place the corps in readiness to move at once. I learn that heavy firing has been heard this a. m. at Centreville, and have sent to ascertain the truth. I can find no cavalry to send out on the roads. Are the works finished and ready for defense?[b]

In this despatch occurs the first reference to the defense of the capital. That the question was timely, if not too long delayed, will appear from the fact that since the preceding afternoon when his communications were cut, no information whatever had been received from General Pope, nor could any be procured, as there was no cavalry to send forward. The cavalry, as also the artillery for want of transportation, had been compelled to give place to the infantry, which was the only arm of the service that could possibly have reached the Army of Virginia, in time to confront the combined Confederate forces.

At 12.20 p. m. he sent another despatch:

What bridges exist over Bull Run? Have steps been taken to construct bridges for the advance of troops to reenforce Pope, or to enable him to retreat if in trouble? There should be two gunboats at Aquia Creek at once. Shall I push the rest of Sumner's corps here, or is Pope so strong as to be reasonably certain of success? I have sent to inspect the works near here and their garrisons.[c] * * *

At 12.50 he again telegraphed:

In view of Burnside's despatch just received, would it not be advisable to throw the mass of Sumner's corps here, to move out with Franklin to Centreville or vicinity? If a decisive battle is fought at Warrenton, a disaster would leave any troops on lower Rappahannock in a dangerous position. They would do better service in front of Washington.[d]

The condition of the artillery and cavalry is stated in the next despatch from General McClellan, dated 1.15 p. m.:

Franklin's artillery has no horses, except for four guns without caissons. I can pick up no cavalry. In your view of these facts, will it not be well to push Sumner's corps here by water as rapidly as possible, to make immediate arrangements for placing the works in front of Washington in an efficient condition of defense? I have no means of knowing the enemy's force between Pope and ourselves. Can Franklin's, without his artillery or cavalry, effect any useful purpose in front? Should not Burnside at once take steps to evacuate Falmouth and Aquia, at the same time covering the retreat of any of Pope's troops who may fall back in that

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 457, 458.
[b] Ibid., p. 458.
[c] McClellan's Report pp. 172, 173.
[d] Ibid., p. 172.

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direction? I do not see that we have force enough in hand to form a connection with Pope, whose exact position we do not know. Are we safe in the direction of the valley?[a]

If it be considered that much of the country between Alexandria and Bull Run was densely wooded, while intersected by roads running in every direction, the question might well be asked, Could a corps sent forward without artillery, but more especially cavalry, effect any useful purpose? It will be observed too that the question was preceded by the distinct statement that he had "no means of knowing the enemy's force between Pope and ourselves."

Lack of information as to the enemy's numbers, as also of the exact position of the army of Virginia, together with the knowledge that Franklin's corps of 11,000 men was alone available for a forward movement, would seem sufficient to raise the question as to whether he had "force enough on hand to form a connection" with General Pope.

At 1.35 p. m. he telegraphed:

I learn that Taylor's brigade, sent this morning to Bull Run bridge, is either cut to pieces or captured; that the force against them had many guns and about 5,000 infantry, receiving reenforcements every minute; also that Gainesville is in possession of the enemy. Please send some cavalry out towards Dransville, via Chain Bridge, to watch Lewinsville and Dransville, and go as far as they can. If you will give me even one squadron of good cavalry here I will ascertain the state of the case. I think our policy now is to make these works perfectly safe, and mobilize a couple of corps as soon as possible, but not to advance them until they can have their artillery and cavalry. I have sent for Colonel Tyler to place his artillerymen in the works. Is Fort Marcy securely held?[b]

The engagement referred to occurred close to Manassas. The fate of this brigade, which, without artillery or cavalry, "advanced with all the confidence of ignorance, until they found themselves almost enveloped in the toils,"[c] affords an indication of what might have befallen any other force blindly sent forward in the same manner.

The presence of the enemy, with infantry, cavalry, and artillery, in the vicinity of Bull Run naturally turned McClellan's attention to Chain Bridge and Dransville; it also suggested the importance, with a view to insure the safety of the capital, of utilizing a couple of corps, which ought not to advance without their cavalry and artillery, the two arms of service which, for want of transportation, had not wholly arrived from the Peninsula.

To the suggestion in the despatch of 1.15 p. m., that Sumner should proceed to Alexandria, General Halleck, at 1.50 p. m., telegraphed:

Yes; I think Sumner's corps should come to Alexandria. The enemy has appeared at Leesburg, and the commanding officer at Edwards Ferry asks for cavalry; have you any to spare him? The enemy seems to be trying to turn Pope's right. Is there no way of communicating with him?[d]

No time was lost in executing these views of the general in chief. At 2.30 p. m. General McClellan telegraphed:

Sumner has been ordered to send here all of his corps that are within reach. Orders have been sent to Couch to come here from Yorktown with the least possible delay. But one squadron of my cavalry has arrived; that will be disembarked at once and sent to the front. If there is any cavalry in Washington it should be ordered to me at once. I still think that we should first provide for the immediate defense of Washington on both sides of the Potomac. I am not responsible for the

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 458.
[b] McClellan's Report, p. 173.
[c] Dabney's Life of Stonewall Jackson, p. 520.
[d] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 458, 459.

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past, and can not be for the future, unless I receive authority to dispose of the available troops according to my judgment. Please inform me at once what my position is. I do not wish to act in the dark.[a]

This despatch shows there was still no cavalry. To aggravate the situation, the General in Chief had telegraphed the appearance of the enemy at Leesburg; nothing had yet been heard from General Pope; the officer at Edwards Ferry had asked for cavalry; if victorious over the Army of Virginia the enemy might at any moment appear north of the Potomac, on the weak side of the defenses of the capital. Under these circumstances, the deposed commander would have been little less than criminal, had he not recommended that provision should be made for the safety of Washington on both sides of the Potomac.

Freely offering suggestions, every one of which the General in Chief accepted, it was time for him to ask what were his position and authority over the available troops. To this request no definite reply was received, beyond the understanding that he would take charge of the defenses of the capital.

The small number available appears in his next despatch, dated 6 p. m.:

I have just received the copy of a despatch from General Pope to you, dated 10 a. m., this morning, in which he says: "All forces now sent forward should be sent to my right at Gainesville." I now have at my disposal here about 10,000 men of Franklin's corps, about 2,800 of General Tyler's brigade and Colonel Tyler's First Connecticut Artillery, which I recommend should be held in hand for the defense of Washington. If you wish me to order any part of this force to the front, it is in readiness to march at a moment's notice to any point you may indicate. In view of the existing state of things in our front, I have deemed it best to order General Casey to hold his men for Yorktown in readiness to move, but not to send them off till further orders.[b]

There appears to be a mistake of one day in the date of General Pope's despatch. General Halleck's official report for 1862 shows that no communication was received from General Pope on the 27th. The latter, in a despatch to General McDowell, dated 8 p. m. August 26, states that he had requested General Halleck to push forward General Franklin to the point where the Manassas Gap Railroad intersects the Warrenton pike, i. e., Gainesville. (Report of the Joint Committee on the Conduct of the War, Supplement, vol. 2, p. 140.)

The next despatch, on the 27th, received by General Halleck at 9 p. m., stated:

The remains of Twelfth Pennsylvania Cavalry are here. I am collecting them and will see that they have forage and rations to-night ready to move out on scout in the morning. They report enemy in force at Bristoe, Gainesville, and Manassas. Train just fired into, this side of Burkes Station. I found part of Cox's command under orders to take the cars; will halt it with Franklin until morning. Will be up to see you in a few minutes.[c]

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[a] McClellan's Report, pp. 173, 174. [b] Ibid., p. 174.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 459.

The following despatches between the President and Colonel Haupt, Superintendent of Railroad Transportation, will show what other light was received relative to the enemy's movements on the 27th:

"Is the railroad bridge over Bull Run destroyed?"

"Intelligence received within twenty minutes inform me that the enemy are advancing, and have crossed Bull Run bridge. If it is not destroyed it probably will be. The forces sent by us last night held it until that time."

"What became of our forces which held the bridge twenty minutes ago, as you say?"

"Our latest information is that the Eleventh Ohio held the bridge for a long time and that it is now retreating."

"Engine Dover here waiting; cannot get to Fairfax; was fired into 1½ or 2 miles west of here by cavalry or band of guerrillas." (Report of the Joint Committee on the Conduct of the War, vol. 1, p. 380.)

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This despatch had not escaped the notice of contemporary historians. By suppressing the statement that a train had just been fired into at Burkes Station, but 14 miles from Alexandria, they accused General McClellan not only of failing to send troops forward, but of stopping those which were actually moving.

A three-months' general, just before the Battle of Bull Run, while making a railroad reconnoissance, ran his train into an ambush prepared by the enemy near Vienna and suffered a loss of several killed and wounded. Although ignorant that the enemy was on the railroad, he was ridiculed throughout the country and charged with stupidity. Had General McClellan sent General Cox forward by train to be waylaid, possibly captured, knowing that the enemy was on the railroad, he would not have been accused of stupidity—he would have been justly charged with criminality.

An examination of all the despatches sent by General McClellan between 8 a. m. and 9 p. m. of the 27th of August, reveals no evidence either of treachery, indifference, or want of energy. The first despatch from General Halleck, on the morning of the 27th, showed that he knew nothing of the position either of our own or the enemy's forces. The Army of Virginia, including two corps of the Army of the Potomac, was supposed to be somewhere between Manassas and the Rappahannock, with the enemy in its rear. The other corps of the Army of the Potomac were stretched from Alexandria to Yorktown.

The only movement suggested and ordered by the General in Chief, was to send Franklin, as he had already sent Taylor, blindfolded against an enemy, possibly more than five times his number. The vision of General McClellan embraced the whole theater of war. It was he who suggested that Sumner be ordered to Alexandria, and that Burnside be withdrawn from Fredericksburg. It was he, who apparently without instructions, ordered Couch from Yorktown, his division to be replaced by new troops under General Casey, whom again he would not allow to depart till further events should transpire. If he had wished to betray the cause, why, may it be asked, did he suggest the concentration of the scattered corps of the Army of the Potomac? Why did he reiterate the opinion that Burnside and Sumner "would do better service in front of Washington?" The best evidence that he was not at the time considered disloyal is to be found in the despatches of General Halleck, who approved his recommendation relating to General Sumner, and who did not during the day censure him, for Franklin's failure to move.

The morning of the 28th of August brought still no news from the Army of Virginia. Referring to the engagement of Taylor's brigade at Manassas, Colonel Haupt telegraphed the President:

* * * The rebel forces at Manassas were large and several of their best generals were in command. I have sent a reconnoitering party of 200 sharpshooters by rail, with operators and wire to repair telegraph, make communication, and report observations.[a]

The President at 2.40 p. m. replied:

Yours received. How do you learn that the rebel forces at Manassas are large, and commanded by several of their best generals?[b]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 381.
[b] Ibid., p. 383.

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Colonel Haupt again telegraphed:

One of Colonel Scammon's surgeons was captured and released. He communicated the information. One of our firemen was captured and escaped. He confirms it and gives important details. General McClellan has just seen him; also Colonel Scammon.[a]

He next telegraphed:

Bridge across Pohick, 1 mile west of Burke's Station, and 14 from Alexandria, is destroyed. Reconnoitering party could proceed no farther. * * * It is clear, therefore, that the army of Virginia can receive no more supplies by rail at present, and must flank the enemy by a movement to the east, cut its way through, or be lost.[a]

The first telegram from General Halleck was to General Franklin:

On parting with General McClellan, about 2 o'clock this morning, it was understood that you were to move with your corps to-day toward Manassas Junction, to drive the enemy from the railroad. I have just learned that the general has not yet returned to Alexandria. If you have not received his order, act on this.[b]

At 1 p. m. General McClellan replied:

Your despatch to Franklin received. I have been doing all possible to hurry artillery and cavalry. The moment Franklin can be started with a reasonable amount of artillery he shall go. * * * I have just conversed with Colonel Holabird, and think the enemy is in so much force near Manassas as to make it necessary for us to move in force.[b]

General Halleck, at 3.30 p. m., replied:

Not a moment must be lost in pushing as large a force as possible toward Manassas, so as to communicate with Pope before the enemy is reenforced. I directed General Barnard to report to you, and do not know where he is. In Barnard's absence, Whipple can tell you about the garrisons of the forts. No message from Pope has reached here.[c]

He again telegraphed:

I have sent Colonel Cutts with maps and directions to get all the information he can pick up about General Pope. I hear nothing, except through you and General Barnard, who telegraphs that guns are heard in the direction of Manassas. Keep up telegraphic communication with Franklin, so that we may determine how far to push him forward.[d]

At 4.40 General McClellan telegraphed:

General Franklin is with me here. I will know in a few minutes the condition of artillery and cavalry. We are not yet in condition to move; may be by to-morrow morning. Pope must cut through to-day, or adopt the plan I suggested. I have ordered troops to garrison the works at Uptons Hill. They must be held at any cost. As soon as I can see the way to spare them, I will send a good corps of troops there. It is the key to Washington, which can not be seriously menaced as long as it is held.[d]

Five minutes later:

Your despatch received. Neither Franklin's nor Sumner's corps is now in condition to move and fight a battle. It would be a sacrifice to send them out now. I have sent aids to ascertain the condition of the commands of Cox and Tyler; but I still think that a premature movement in small force will accomplish nothing but the destruction of the troops sent out. I repeat that I will lose no time in preparing the troops now here for the field, and that whatever orders you may give, after hearing what I have to say, will be carried out.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 382.
[b] Ibid., p. 459.
[c] Ibid., vol. 1, pp. 459, 460.
[d] Ibid., p. 460.

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8.40 p. m. General Halleck telegraphed:

There must be no further delay in moving Franklin's corps toward Manassas. They must go to-morrow morning, ready or not ready. If we delay too long to get ready, there will be no necessity to go at all, for Pope will either be defeated or victorious without our aid. If there is a want of wagons, the men must carry provisions with them till the wagons can come to their relief.[a]

The final despatch sent by General McClellan, at 10 p. m., was:

Your despatch received. Franklin's corps has been ordered to march at 6 o'clock to-morrow morning. Sumner has about fourteen thousand infantry, without cavalry or artillery, here. Cox's brigade of four regiments is here, with two batteries of artillery. Men of two regiments, much fatigued, came to-day. Tyler's brigade, of three new regiments, but little drilled, is also here. All these troops will be ordered to hold themselves ready to march to-morrow morning, and all except Franklin's to await further orders. If you wish any of them to move toward Manassas please inform me. Colonel Wagner, Second New York Volunteer Artillery, has just come in from the front. He reports strong infantry and cavalry force of rebels near Fairfax Court-House. Reports numerous, from various sources, that Lee and Stuart, with large forces, are at Manassas; that the enemy, with 120,000 men, intend advancing on the forts near Arlington and Chain Bridge, with a view to attacking Washington and Baltimore.[a]

On the morning of the 29th, the situation was unchanged. No definite information had yet been received from General Pope. At 10.30 General McClellan telegraphed to General Halleck:

Franklin's corps is in motion; started about 6 a. m. I can give him but two squadrons of cavalry. I propose moving General Cox to Uptons Hill to hold that important point with its works, and to push cavalry scouts to Vienna via Freeman Hill and Hunters Lane. Cox has two squadrons of cavalry. Please answer at once whether this meets your approval. I have directed Woodbury, with the engineer brigade, to hold Fort Lyon, however. Detailed last night two regiments to the vicinity of Forts Ethan Allen and Marcy. Meagher's brigade is still at Aquia. If Sumner moves in support of Franklin, it leaves us without any reliable troops in and near Washington, yet Franklin is too much alone. What shall be done? No more cavalry arrived. Have but three squadrons belonging to Army of the Potomac. Franklin has but 40 rounds of ammunition and no wagons to move more. I do not think Franklin is in a condition to accomplish much if he meets strong resistance. I should not have moved him but for your pressing orders of last night. What have you from Vienna and Dranesville?[b]

With but two squadrons of cavalry, an insufficient artillery, and no knowledge of the enemy, it might be asked if Franklin could accomplish much in the event of a strong resistance. The statement in the 4.45 p. m. despatch of the 28th, that "a premature movement in small force will accomplish nothing but the destruction of the troops sent out," in connection with the preceding despatch that "I should not have moved him (Franklin) but for your pressing orders of last night," shows that General McClellan's action was dictated solely by prudential considerations. Still apprehensive for the safety of Franklin's corps, he telegraphed at 12 m:

Your telegram received. Do you wish the movement of Franklin's corps to continue? He is without reserve ammunition and without transportation.[c]

Immediately after, he again telegraphed:

Have ordered most of the Twelfth Pennsylvania Cavalry to report to General Barnard for scouting duty toward Rockville, Poolesville, etc. If you apprehend a raid of cavalry on your side of river, I had better send a brigade or two of Sumner's to near Tenallytown, where, with two or three old regiments in Forts Allen and Marcy,

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 461.
[b] Ibid., vol. 1, pp. 461, 462.
[c] Ibid., p. 462.

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they can watch both Chain Bridge and Tenallytown. Would it meet your views to post rest of Sumner's Corps between Arlington and Fort Corcoran, where they can either support Cox, Franklin, or Chain Bridge, and even Tenallytown? Franklin has only between 10,000 and 11,000 ready for duty. How far do you wish this force to advance? [a]

Replying to the despatch of 10.30, General Halleck at 12.05 p. m. telegraphed:

Upton's Hill arrangement all right. We must send wagons and ammunition to Franklin as fast as they arrive. Meagher's brigade ordered up yesterday. Fitzhugh Lee was, it is said on good authority, in Alexandria on Sunday last for three hours. I hear nothing from Drainesville. [a]

Charged with all the defenses of Washington and made responsible for the safety of the capital, General McClellan telegraphed at 1 p. m.:

I anxiously await a reply to my last despatch in regard to Sumner. Wish to give the order at once. * * * I shall endeavor to hold a line in advance of Forts Allen and Marcy, at least, with strong advanced guards. I wish to hold the line through Prospect Hill, Marshall's, Miner's, and Hall's hills. This will give us timely warning. Shall I do as seems best to me with all the troops in this vicinity, including Franklin, who I really think ought not, under the present circumstances, to proceed beyond Anandale? [b]

Here again, with the knowledge that Franklin had but 10,000 or 11,000 men, while the enemy might have more than 60,000, he expresses the opinion, that, "under the circumstances," Franklin ought not to go beyond Anandale. The return despatch from General Halleck, breathes no suspicion of disloyalty or indifference on the part of General McClellan. On the contrary, he approved of his action as judicious; tells him that the present danger was a "raid upon Washington in the night time;" authorized him to dispose of "all of the troops" as he deemed best, and then regarding Franklin's movement as one to procure information only, directed that he be pushed on to Anandale, and if necessary, to Fairfax Court-House. His despatch, dated 3 p. m., was as follows:

Your proposed disposition of Sumner's corps seems to me judicious. Of course, I have no time to examine into details. The present danger is a raid upon Washington in the nighttime. Dispose of all troops as you deem best. I want Franklin's corps to go far enough to find out something about the enemy. Perhaps he may get such information at Anandale as to prevent his going farther. Otherwise he will push on toward Fairfax. Try to get something from direction of Manassas, either by telegram or through Franklin's scouts. Our people must move more actively and find out where the enemy is. I am tired of guesses. [b]

At 2.30 p. m. the President telegraphed:

What news from direction of Manassas Junction; what generally? [b]

At 2.45 General McClellan replied to the President:

The last news I received from the direction of Manassas was from stragglers, to the effect that the enemy was evacuating Centreville and retiring toward Thoroughfare Gap. This is by no means reliable.

I am clear that one of two courses should be adopted: First, to concentrate all our available forces to open communication with Pope; second, to leave Pope to get out of his scrape, and at once use all our means to make the capital perfectly safe. No middle course will now answer. Tell me what you wish me to do, and I will do all in my power to accomplish it. I wish to know what my orders and authority are. I ask for nothing, but will obey whatever orders you give. I only ask a prompt decision that I may at once give the necessary orders. It will not do to delay longer. [b]

Shorn of his command the moment his troops took transports at Fort Monroe and Yorktown; assigned on his arrival at Alexandria to

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 462.
[b] Ibid, p. 463.

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forwarding troops to the Army of Virginia, completing thereby the disintegration of his own army; informally directed to take charge of the defenses of Washington, submitting all of his actions to General Halleck, and making no movements not subject to his approval, it should not be a matter of surprise that when the opportunity presented itself, he should have appealed to the President to define his position.

He asked for nothing; he did not wish to stand in the way; he did not believe in "pepper-box" strategy; he simply urged as a matter of safety to send all or more of the troops to the aid of General Pope; he was clear in his own mind that no middle course would answer; it would not do to delay longer. All he wanted was prompt decision and an order defining his authority, where all or none of the responsibility would rest upon himself.

Wise and soldierly as was this appeal, its language was unfortunate. "To leave Pope to get out of his scrape" was construed to mean that he wished the destruction of him and his army, and was regarded as a key not only to his orders relating to Franklin, but to all his movements and actions from the time he was directed to withdraw from the Peninsula. The candid reader will bear in mind that the despatch was written in haste and without weighing of words.

General Pope, on assuming command of the Army of Virginia, had freely laid his plan of campaign before the Joint Committee on the Conduct of the War. He had alleged, in favor of an overland campaign, that every man could be taken from the defenses of the capital; he had advised the withdrawal of the Army of the Potomac from the Peninsula, and had also recommended that the two armies be united on the line of the Rappahannock; more than this, he had proposed to defend the capital, not by interposing his army between it and the enemy, but by laying off on his flanks, with the back of his own army against the mountains. His recommendations to unite on the Rappahannock, and Halleck's effort to carry them out, had now resulted in General Pope finding himself with the enemy in his rear.

To those who know the facts, the word "scrape" conveyed an exact idea of the situation; and "to leave Pope to get out of his scrape," however liable to misconstruction by others, simply meant that in the uncertainty which enveloped his movements, he should rely upon his own strength to cut his way out, while the few troops in hand should be used to make sure of the capital. That the President so construed it, is manifest from the fact that he did not instantly relieve him. On the contrary, he telegraphed back at 4.10 p. m.:

> Yours of to-day just received. I think your first alternative, to wit, "to concentrate all our available forces to open communication with Pope," is the right one. But I wish not to control. That I now leave to General Halleck, aided by your counsels. [a]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 464:

The danger of misconstruing despatches in Washington was so great that a year later, in August, 1863, General Halleck, who wished to procure the views of military commanders in reference to the reconstruction of Louisiana, wrote to General Sherman: "I wish you would consult with Grant, McPherson, and others of cool, good judgment, and write me your views fully, as I may wish to use them with the President. You had better write me unofficially, and then your letter will not be put on file, and can not hereafter be used against you. You have been in Washington enough to know how everything a man writes or says, is picked up by his enemies and misconstrued. With kind wishes for your further success * * *." (Memoirs of General W. T. Sherman, vol. 1, p. 335.)

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The last part of the President's despatch should not pass unnoticed. For months after General McClellan assumed command of the Army, the President had stood between him and Cabinet intrigues, but borne down by political pressure, both within and without the Cabinet, the President finally dispensed with his services, and took upon himself all the responsibility of an actual as well as a constitutional Commander in Chief.

Sharing his command with the Secretary of War, five months of disaster had ensued. A disciplined force of more than 600,000 men had been dissipated, not by the superior strategy of the enemy, but by orders suggested or dictated by the Secretary of War and his advisers. From the offensive, our armies were everywhere reduced to the defensive. The capital was again in danger; at the same time an army of 60,000 men, whose whereabouts were unknown, seemed doomed to destruction. It was at such an hour as this that, relinquishing personal command, the President in the agony of his heart telegraphed to a commander whose loyalty he had never doubted:

I wish not to control. That I now leave to General Halleck, aided by your counsels.[a]

The next telegram from General Halleck, August 29, gave more specific directions in relation to Sumner's corps. He now entertained the fear that cavalry might make a raid upon Washington in the night, and to prevent the execution of such a design, he authorized Cox's and Tyler's brigades to be employed as well as Sumner's command. The despatch read:

I think you had better place Sumner's corps as it arrives, near the fortifications, and particularly at the Chain Bridge. The principal thing to be feared now is a cavalry raid into this city, especially in the nighttime. Use Cox's and Tyler's brigades and the new troops for the same object if you need them. Porter writes to Burnside from Bristoe, 9.30 a. m. yesterday, that Pope's forces were then moving on Manassas, and that Burnside would soon hear of them by way of Alexandria.

General Cullum has gone to Harper's Ferry, and I have only a single regular officer for duty in the office. Please send some of your officers to-day to see that every precaution is taken at the forks against a raid; also at the bridges.[a]

These views were anticipated. At 5.25 p. m. General McClellan replied:

Before receiving the President's message I had put Sumner's corps in motion toward Arlington and the Chain Bridge, not having received any reply from you. The movement is still under your control in either direction, though now under progress, as stated. I think that one of two alternatives should be fully carried out.[a]

General Halleck now made his first complaint of disobedience of orders. At 7.50 p. m. he telegraphed:

You will immediately send construction train and guards to repair railroad to Manassas. Let there be no delay in this. I have just been told that Franklin's corps stopped at Anandale, and that he was this evening in Alexandria. This is all contrary to my orders. Investigate and report the fact of this disobedience. That corps must push forward, as I directed, to protect the railroad and open our communications with Manassas.[b]

Before the date of this despatch, General McClellan had been officially informed from Washington that the enemy in strong force

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 464.
[b] Ibid., p. 465.

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was moving through Vienna, in the direction of Chain Bridge. As this force would be on the flank and might intercept the retreat of any force advancing to or beyond Fairfax, it is easy to understand why Franklin was halted at Anandale. Told by General Halleck in the despatch of 3 p. m., the same day, to "Dispose your troops as you deem best," General McClellan, in vindication of his dispositions and conduct, telegraphed at 8 p. m.:

By referring to my telegrams of 10.30 a. m., 12 m., and 1 p. m., together with your reply of 2.48 p. m., you will see why Franklin's corps halted at Anandale. This small cavalry force, all I had to give him, was ordered to push on as far as possible toward Manassas. It was not safe for Franklin to move beyond Anandale, under the circumstances, until we knew what was at Vienna. General Franklin remained here until about 1 p. m., endeavoring to arrange for supplies for his command. I am responsible for both these circumstances, and do not see that either was in disobedience to your orders.

Please give distinct orders in reference to Franklin's movements of to-morrow. I have sent to Colonel Haupt to push out construction and supply trains as soon as possible, General Tyler to furnish the necessary guards. I have directed General Banks's supply train to start out to-night at least as far as Anandale, with an escort from General Tyler. In regard to to-morrow's movements I desire definite instructions, as it is not agreeable to me to be accused of disobeying orders when I have simply exercised the discretion you committed to me.[a]

Definite information for the first time now began to be received from the Army of Virginia. At 10 p. m., General McClellan telegraphed:

The following has just been received by an orderly: "Anandale, 7.15 p. m. General: The news picked up here from all sources passing along the road is as follows: 'Jackson left Centreville yesterday afternoon to march through Thoroughfare Gap. He was confronted by Sigel, whom he attacked immediately. Sigel was reenforced by Heintzelman and Porter to-day. McDowell, by noon, was 4 miles from the field, and was merely waiting for his ammunition to come up to join him. The field of battle is near Gainesville. Sigel fought all day yesterday, slept on the enemy's ground, and this morning at 5 o'clock was attacked, and the cannonading was very heavy when a certain sutler, one of the parties who gives the information, left there. From all the evidence, the inference is that we have met with no disaster, and that Stonewall is in a tight place unless he leaves to-night by Aldie. Jackson had with him yesterday three divisions—his own, Ewell's, and Hill's—amounting to 40,000 men. Birney held Centreville this morning, and pursued Jackson, picking up many stragglers. The enemy left Centreville last evening. Many of the rebel dead are lying near Centreville. Birney ceased the pursuit on learning the force of the enemy. All of the best witnesses, and all of the citizens who have passed, consider Jackson n a dangerous position. Pope's train is parked this side of Centreville.'

* * * * * * *

"P. S.—Pope is said to be very short of provisions, and the country will not support him."[b]

On the receipt of this despatch, General McClellan again telegraphed:

Not hearing from you, I have sent orders to General Franklin to place himself in communication with General Pope by advancing, as soon as possible, and, at the same time, cover the transit of Pope's supplies. Orders have been given for railway and wagon trains, to move to Pope with the least possible delay. * * *[a]

General Halleck having had the benefit of the information communicated in the despatch of 10 p. m., on the 29th, censured the movements of Franklin's command. At 9.40 a. m. of the 30th, he telegraphed:

I am by no means satisfied with General Franklin's march of yesterday, considering the circumstances of the case. He was very wrong in stopping at Anandale. Moreover, I learned last night that the Quartermaster's Department would have given him

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 465.
[b] Ibid., p. 466.

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plenty of transportation, if he had applied for it, any time since his arrival at Alexandria. He knew the importance of opening communication with General Pope's army, and should have acted more promptly.[a]

In explanation, General McClellan, at 11.30 a. m., replied:

Ever since General Franklin received notice that he was to march from Alexandria, he has been using every effort to get transportation for his extra ammunition, but he was uniformly told by the quartermasters here that there was none disposable, and his command marched without wagons. After the departure of his corps, at 6 a. m. yesterday, he procured 20 wagons to carry a portion of his ammunition, by unloading some of General Bank's supply train for that purpose. General Sumner was one entire day in endeavoring, by application upon quartermasters and others, to get a sufficient number of wagons to transport his reserve ammunition, but without success, and was obliged to march without it. I have this morning sent all my headquarters train that is landed, to be at once loaded with ammunition for Sumner and Franklin, but they will not go far toward supplying the deficiency. Eighty-five wagons were got together by the quartermaster last night, loaded with subsistence, and sent forward under an escort at 1 a. m., via Alexandria. Every effort has been made to carry out your instructions promptly. The difficulty seems to consist in the fact that the greater part of the transportation on hand at Alexandria and Washington, has been needed for current supplies of the garrisons. At all events, such is the state of the case as represented to me by the quartermasters; and it appears to be true. I take it for granted that this has not been properly explained to you. * * *[a]

At 11 a. m. General McClellan telegraphed:

Have ordered Sumner to leave one brigade in the vicinity of Chain Bridge, and to move the rest via Columbia pike, on Anandale and Fairfax Court-House, if this is the route you wish them to take. He and Franklin are both instructed to join Pope as promptly as possible. Shall Couch move also when he arrives?[a]

At 12.20 General Halleck telegraphed:

I think Couch should land at Alexandria and be immediately pushed out to Pope. Send the troops where the fighting is. Let me know when Couch arrives, as I may have other information by that time. Use the Connecticut officers and regiment as you propose. Send transports to Aquia to bring up Burnside's command. I have telegraphed to him, and am awaiting his answer.[a]

And again at 1.45 p. m.:

Ammunition, and particularly for artillery, must be immediately sent forward to Centreville for General Pope. It must be done with all possible despatch.[b]

To this, at 1.10 p. m., General McClellan replied:

I know nothing of the caliber of Pope's artillery. All I can do is to direct ordnance officer to load up all the wagons sent to him. I have already sent all my headquarters wagons. * * * I have no sharpshooters except the guard around my camp. I have sent off every man but those. I will now send them with the train, as you directed. I will also send my only remaining squadron of cavalry with General Sumner. I can do no more. You now have every man of the Army of the Potomac who is within my reach.[c]

This despatch has also been misconstrued. The artillery in the field then consisted of the light 12-pounder, the 3-inch ordnance, as also the 10 and 20-pounder Parrott. With four different calibers, all that manifestly could be done, was to load up all the wagons that could be sent, trusting that some of them would have the right caliber and might find their way to the right batteries.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 467.
[b] Frank Moore's Rebellion Record, vol. 1, p. 615, Supplement.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 468.

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At 2.15 p. m., General Halleck again telegraphed:

Franklin's and all of Sumner's corps should be pushed forward with all possible despatch. They must use their legs and make forced marches. Time now is everything. Send some sharpshooters on train to Bull Run. * * *[a]

At 5 p. m., General McClellan informed General Halleck:

Major Hammerstein, of my staff, reports from 2 miles this side of Centreville at 1.30 p. m. that Franklin's corps was then advancing rapidly. Sumner's corps moved at 1.45 p. m. The orderly who brought the despatch from Hammerstein states, that he learned that the fighting commenced 5 miles beyond Centreville and that our people had been driving them all day. Hammerstein says all he learns was favorable.[a]

The effect of this despatch was naturally to press all the troops to the front. At 10.10 p. m., therefore, General Halleck again telegraphed:

All of Sumner's corps on the south side of the river not actually required in the forts should march to Pope's relief. Replace them with new regiments. Franklin should also be hurried on to reenforce Pope.[b]

As the whole Army of the Potomac was now either with the Army of Virginia or hastening to join it, General McClellan, at 10.30 p. m. on the 30th, telegraphed:

I have sent to the front all my troops, with the exception of Couch's division, and have given the orders necessary to insure its being disposed of as you directed. I hourly expect the return of one of my aids, who will give authoritative news from the field of battle. I can not express to you the pain and mortification I have experienced to-day in listening to the distant sound of the firing of my men. As I can be of no further use here, I respectfully ask that, if there is a probability of the conflict being renewed to-morrow, I may be permitted to go to the scene of battle with my staff, merely to be with my own men, if nothing more; they will fight none the worse for my being with them. If it is not deemed best to intrust me with the command even of my own army, I simply ask to be permitted to share their fate on the field of battle. Please reply to this to-night. I have been engaged for the last few hours in doing what I can to make arrangements for the wounded. I have started out all the ambulances now landed. As I have sent my escort to the front, I would be glad to take some of Gregg's cavalry with me if allowed to go.[c]

This despatch, when received, the General in Chief did not read. At 9 a. m. on the 31st, he telegraphed back—

I have just seen your telegram of 11.05 last night. The substance was stated to me when received, but I did not know that you asked for a reply immediately. I cannot answer without seeing the President, as General Pope is in command, by his orders, of the Department. I think Couch's division should go forward as rapidly as possible and find the battlefield.[c]

It will be observed that from the time of General McClellan's arrival at Alexandria on the 26th, till 10 p. m. on the 29th of August, all of the despatches between he and General Halleck, relative to Franklin's corps, were sent in utter ignorance of the position and fate of the Army of Virginia.

In his official report for the year 1862, General Halleck states—

On the 26th I telegraphed: "If possible to attack the enemy in flank, do so; but the main object now is to ascertain his position." From this time to the 30th, I had no communication with General Pope, the telegraph lines being cut at Kettle Run by a part of Jackson's corps, under Ewell, which had marched around Pope's right and attacked his rear.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 468.
[b] Ibid., vol. 1, p. 469.
[c] McClellan's Report, p. 180.
[d] Messages and Documents, Thirty-seventh Congress, third session, p. 21.

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Bearing in mind that for want of transportation, nearly all of the cavalry was left behind in withdrawing from the Peninsula, and that an army in ignorance of the strength and movements of the enemy, moves like a man blindfolded, the question may now be asked, did or did not McClellan's conduct conform to the established principles of war? Modern history leaves no doubt on this point. Throughout his career, it was the constant aim of Napoleon, both in strategy and tactics, to pierce the enemy's center, and then, falling upon his wings, destroy them in detail. He gave his first example, in his opening campaign of 1796 against the Austro-Sardinian Army under Beaulieu. The former he defeated at Montenotte, separated them from their allies, and then, pursuing the latter, compelled them to make peace.

This principle, on a much vaster scale, was again illustrated in the Eckmül campaign of 1809. The Austrian left wing, on the 21st of April, was driven across the Isar; the right wing, two days later, was forced across the Danube at Ratisbon.[a]

The campaign of 1814 afforded several examples equally instructive. After the Battles of La Rothierre the allied armies separated; Blucher, with the army of Silesia, 60,000 strong, crossed over to the Marne; the grand army, 120,000 strong,[b] under Schwartzenberg, continued its movement down the Seine. In his haste to reach Paris before the grand army, Blucher scattered his corps; Sacken, with 15,000 Russians, was sent to La Ferté-sous-Jonarre; York, with 20,000 Prussians, hurried forward to Chateau-Thierry; Blucher, with 20,000 men, was 25 miles in rear at Fere Champanoise; Olsonzief's Russian division of 5,000 men, as a connecting link, was at Champs-Aubert, midway between Blucher and the other two corps.

The moment Blucher began his march to the Marne, Napoleon decided upon his plan of campaign. Leaving 20,000 men to confront the grand army, he took the remaining 15,000 and with them pounced upon Olsonzief, whose division, being without cavalry, was surprised and cut to pieces, with a loss of 1,500 killed and wounded, 3,000 prisoners, and 20 pieces of artillery.

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[a] The escape of Jackson, by the circling of our troops around Groveton, on the 28th of August, finds an exact parallel in the Eckmühl campaign.

On the 19th of April, Davoust, who was at Ratisbon with four divisions of infantry numbering about 50,000 men, was ordered to join Napoleon near Alensbery. Leaving the river road to the artillery and trains, the infantry, in two columns of two divisions each, took two parallel or slightly diverging country roads farther to the left; the left flank and rear was protected by cavalry marching on roads to the left of the infantry. At the same moment the Austrian right wing, 63,000 strong, in the hope of defeating Davoust, began its march from Rohr upon Ratisbon, its left column taking the same route, in a contrary direction, as that pursued by Davoust's left divisions. A combat at once ensued, during which both armies sidled past each other, Davoust thereby joining Napoleon, while the Archduke, finding that his game had escaped, faced about, but too late to join his imperiled left wing. The Archduke's movements were based on the assumption that Davoust would remain at Ratisbon.

The orders to our troops on the 27th of August, were based on the supposition that the enemy would remain at Manassas.

The Archduke, by not directing his left column to move by the main or river road, failed to close the last avenue of escape.

Our left wing, by failing to march with its right on the Manassas Gap Railroad, its left thrown well to the east, permitted the enemy the free use of the Warrenton pike, from Centreville to Groveton, where, as soon as King's and Ricketts's divisions withdrew, Jackson found himself again in communication with the main body of the Confederate army.

[b] Jomini's Life of Napoleon, vol. 4, p. 534.

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This victory placed Napoleon directly between Blucher and Sacken. The next day, February 11, he took position at Montmirail, where Sacken attacked him and was defeated with a loss of 4,000 killed, wounded, and prisoners, and 26 pieces of artillery.[a] The remains of his corps, Sacken conducted toward Chateau-Thierry to join York. Finding his retreat intercepted, York fell back to Chateau-Thierry, where on the 12th the two corps were forced across the Marne, but not till they had lost more than 3,000 men. Napoleon next faced about, and striking Blucher who had advanced to Vauchamps, defeated him with a loss of 10 colors, 15 pieces of artillery, and 8,000 men. Blucher now fell back to Chalons, where he was joined by Sacken and York who had made a long detour by Rheims.

A month later, having in the meantime compelled the grand army to retreat from within 25 miles, to more than 75 miles from Paris, leaving the Seine twice behind it, Napoleon again sought Blucher north of the Marne, fought the battles of Craonne and Laon, and on the 13th of March, learning that St. Priest's corps of 12,000 men had arrived at Rheims en route to join Blucher, attacked and routed him with a loss of 11 guns and 4,700 killed, wounded, and prisoners.[b] The French loss was less than 1,000.

As it cannot be supposed that either General Halleck or General McClellan were ignorant of the principles taught by the foregoing examples, let us ask what inferences they should have drawn from such information as they had actually received.[c]

Both knew, by the creation of the Army of Virginia and its advance to the Rapidan, that the same inducements for attacking it were offered to the Confederates as had been offered to Napoleon by the march of Blucher to the Marne, but with this important difference, that if they attacked it in front, a defeat would simply drive it back upon the Army of the Potomac, now arriving at Alexandria, where, with superior numbers, the two armies united, might again resume the offensive.

It was the danger of such an attack, recognized by General Porter the moment he learned of the evacuation of Richmond, which caused him to make the forced march from Williamsburg to Fort Monroe, a movement whereby his corps, and his only, was enabled to join the Army of Virginia via Aquia Creek.

The failure to attack this army in front, therefore, signified that General Lee was playing for results at once more brilliant and decisive. If he could cut off General Pope's retreat by interposing his whole army between the Army of Virginia and the Army of the Potomac, he might destroy the former, and then falling upon the latter before it was wholly assembled drive it back, routed and demoralized, to the defenses of the capital.

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[a] Jomini's Life of Napoleon, vol. 4, p. 537.

[b] The principle of interposing between armies the great captain illustrated for the last time in the campaign of 1815. On the 10th of June, as the allies were about effecting a junction, he beat the Prussians at Ligny and drove them, as he supposed, toward Namur. He then turned in the opposite direction, and on the 18th attacked Wellington at Waterloo, where, as is well known, the sudden reappearance of the Prussians converted a victory into a total defeat. The Prussians did not effect the junction by the highway occupied by the French, but under the advice of Gneisenan, Blucher's chief of staff, they retreated first upon Wavre, and thence, with no enemy to oppose them, marched direct to the battlefield, where, at a critical moment, they arrived in rear of Napoleon's right flank.

[c] General Halleck, besides being the author of a work on the art of war, was also the translator of the American edition of Jomini's Life of Napoleon.

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Such a campaign successfully executed at the moment Bragg's army began its march toward the Ohio River, might have proved fatal to the Union. Such a plan the Confederates attempted to execute when the Army of Virginia lay south of the Rappahannock, but were thwarted by its sudden withdrawal to the north bank. It was such a plan, and such a plan only, that was indicated by the appearance of one-half of the Confederate army in General Pope's rear on the 26th of August. This movement the same day was signaled to General Halleck by the telegraph and by the reports of railroad officials, who withdrew their trains toward Alexandria.

The next morning Taylor's brigade, sent by rail to open communication, met a fate not unlike Sacken's and St. Priest's in the campaign of 1814. The enemy's cavalry, screening his movements like a curtain, now appeared near Burke's Station and at Fairfax Court-House.

On the 28th, General Haupt reported 20,000 men in and about Manassas the preceding evening. The same day, a colonel from the front reported a large force of the enemy at Fairfax Court-House. Lee and Stuart at the same time were said to be at Manassas, and rumors placing the enemy's forces at 120,000 men, indicated an immediate advance upon Washington and Baltimore.

To sift these reports and rumors, to ascertain where the enemy was and what was his force, there was no cavalry on the 26th and 27th, and up to the 29th, only two squadrons were available to cover the march of any force which might be ordered to repeat Taylor's experiment of the 27th. It is from facts like the above, that military men will judge whether it was likely that an infantry force, destitute of artillery and cavalry, and sent in search of an enemy reported from 20,000 to 120,000 strong, could have accomplished any other result than "the destruction of the troops sent out."

The criticisms on the march of Franklin's corps, have all been based on the assumption that there was a broad pike from Alexandria to Centreville, that this highway was all the time open, and that nothing prevented a junction with the hard-pressed Army of Virginia, save the indifference of the commander of the Army of the Potomac.

The facts as subsequently established were that, from the afternoon of the 26th, till the afternoon of the 28th, from 25,000 to 30,000 Confederates were on the direct line of communication with the Army of Virginia; that from the time General Pope reached Centreville, on the 28th, till the evening of the 29th, no positive information had been received as to his whereabouts; that his cavalry was so used up that not five horses per company could be forced into a trot; that he sent no despatch to the Government till the morning of the 30th, and that Franklin's corps, on the information derived on the night of the 29th, joined him on the 30th, part of it having marched 20 miles.

By no fault of the commander of the Army of Virginia, the opportunity to destroy the Confederate forces was offered and lost on the 28th. On the 29th, the opportunity was alleged to have been lost through the disobedience of General Porter, which has been already discussed. On the 30th, it was affirmed that a victory might still have been gained, had Franklin's corps obeyed the orders of the General in Chief. In answer to the last affirmation, there is but little doubt that had General Pope been able to send a despatch to the General in Chief, immediately on his arrival at Centreville, on the night of the 28th, not only Franklin's corps, but Sumner's, might have joined him,

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not on the 30th, but on the 29th. To this want of information, and to nothing else, should be ascribed the failure of the entire Army of the Potomac to participate in the battle that was needlessly forced upon the country, by the effort to unite the two armies along the line of the Rappahannock.

The defenseless condition of the capital on the arrival of Franklin's corps deserves to be noticed. It will be remembered that the sole argument of the advocates of the overland route was that an army advancing in that direction would constantly cover the capital. Led on by the Joint Committee on the Conduct of the War, General Pope testified to the same effect, and in answer to the question whether the forces in front of Washington "could all have left the city with safety to move upon Richmond," replied: "Every man of them." So strictly were his views in accord with those of the War Department, that he was permitted in August, to reduce the garrison to 5,989 men, of whom 2,235 were militia whose term of service would expire before the end of the month.[a]

Of the remaining 3,700, 2,072 experienced artillerymen were also under orders to move to the front, leaving a total of 1,682 as against the 73,000 designated the previous April by the commander of the Army of the Potomac.

With a garrison thus reduced to less than 20,000 men vaguely relying on the arrival of new levies, the sudden appearance of 25,000 Confederates on the plains of Manassas, is the best proof that can be afforded that the order to withdraw the Army of the Potomac from the Peninsula, instead of facilitating the junction of our forces, served no other purpose than to invite the immediate destruction of the Army of Virginia, on whose fate naturally depended the safety of the capital.

[a] Barnard's Defenses of Washington, p. 105.

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CHAPTER XXIV.

RELATIONS OF THE SECRETARY OF WAR TO THE COMMANDER OF THE ARMY OF THE POTOMAC.

It cannot be supposed that General McClellan, first deposed as General in Chief, was unmoved when he saw the gradual disintegration of his army. He knew, as did the country, by whom it had been done, and when, after vain appeals for reenforcements, he saw himself about to be overwhelmed, as he believed, by an army double his own numbers, he told the Secretary plainly, "The Government has not sustained this army."[a]

Up to this time, the conflict between the commander and the Secretary was at least military in appearance, but after the conclusion of the Seven Days' Battles, the unfortunate Harrison's Bar letter introduced a political element which speedily outweighed every military consideration.

The commander, as we have seen, wrote to the President, "a declaration of radical views, especially upon slavery, will rapidily disintegrate our present armies."

He did not realize that opinions had changed. Thousands who voted for the President in the preceding November were opposed to slavery, but had no thought of disturbing it where it already existed. The war opened their eyes; the people at once became radical, radical as to the Union and radical as to slavery, which, thoroughly at variance with the underlying principles of our institutions, was now threatening to destroy them.

The events of this period cannot be comprehended without a glance at our political history. From the beginning to the end of the War of 1812 both parties maneuvered for the Presidential succession. At the beginning of the Mexican War, the General in Chief, a Presidential aspirant in the opposition party, was left unemployed for nearly six months. When finally given the command of the army, which he so brilliantly led to the enemy's capital, he scarcely ever differed in opinion from the Administration, without impugning its motives and attributing its action to political considerations.[b]

Although a recognized and avowed Presidential candidate, a circumstance which must always serve to discredit a commander, it could not be supposed, in a foreign war, that a General in Chief would forego

[a] Despatch to the Secretary of War, June 28, 1862.

[b] It happened in the Mexican War that the two heroes, Generals Scott and Taylor, entertained political opinions opposed to the Administration. Both, during the war, were mentioned for the Presidency, and at times both reproached the Administration with the desire to sacrifice themselves and their armies. To appropriate the credit for closing the war, the supporters of the Administration at one time proposed to create the office of Lieutenant-General, to be filled not by a soldier, but by the distinguished Senator, Thomas H. Benton.

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any opportunity to strike for the honor of his flag. There might be politics in the Cabinet and in Congress, but there could be no politics in an army facing the foe. Equally absurd would it be to accuse an Administration of wishing to sacrifice a commander. Military triumphs might not insure political success, but to encourage defeat would be simply political suicide.

While an Administration might safely trust a political opponent to command an army in a foreign war, the case in a civil war was entirely different. Party lines, which were at first drawn for the Union, were now drawn for the Union and the extirpation of slavery.

It is a well-known fact that in all representative governments professional party leaders usually care more for power than principle. This class within the Administration, already recognized the commander of the Army of the Potomac as the favorite of the opposition. They remembered, too, that notwithstanding the successful termination of the Mexican War, the opposition captured the Presidency by taking a soldier for a leader. It was not surprising, therefore, that they should have demanded that the future candidate be removed at once. But behind the leaders who wished to serve the party, were thousands of life-long antagonists of slavery who saw with alarm, the opposition of a powerful army commander and urged his opponents on.

From this moment there was but one way to escape political execution. Regardless of the lives of his soldiers, he must act—act even should every advantage be against him. If victorious, he might silence his foes; if defeated, he could expect no charity; incompetency would pass for treachery; if he delayed or suspended operations, however satisfactory his reasons, he could plausibly be charged either with playing into the hands of the enemy or seeking to protract the war for personal aggrandizement. Such was the situation he created for himself by stepping outside of his duties to volunteer political views obnoxious to the civil policy of the Government.

It was at this period of the campaign that General Halleck appeared on the scene. Had he been an actual General in Chief, a soldier of the Jacksonian type, he could have cleared at once the military and political horizon. His appointment was evidence that the President was tired of military command. Exactly when the determination to relieve General McClellan was formed, cannot be definitely stated, but the indications are that General Halleck was aware of the purpose before he visited Harrison's Landing.

As has already been stated, when General Porter arrived at Williamsburg he telegraphed that all Confederate troops were leaving Richmond for the North. He then doubled his speed, and on his own responsibility hastened forward to Fort Monroe, en route to the Army of Virginia. Up to his arrival at Williamsburg all of the Army of the Potomac, stripped of its sick and surplus stores, and in the best marching condition, was within a compass of about 45 miles from Richmond.

To the mind of any professional soldier, the plan would have suggested itself to use the Army of Virginia to decoy the Confederates as near as possible to Washington, and then strike with the Army of the Potomac for the Confederate capital.[a] Writing after the fact, it

[a] Harrison's Landing was one of the best on the James River. It was on the left bank, about 25 miles below Richmond.—EDITORS.

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is now known that Lee left Richmond a day before the retreat began from the Peninsula, and that so confident was he of the complete transfer of operations to Washington that he left but one division to protect Richmond. Had Richmond fallen, Lee in revenge might have carried the war into Maryland and Pennsylvania, but the political effect of losing their capital would not have been less fatal. Besides, being no longer between our two armies, a garrison could have been left in Richmond, after which the Army of the Potomac, either by land or water, could have hastened to join the Army of Virginia, with a view to prevent the enemy from ever recrossing the Potomac.

If these considerations occurred to the mind of General Halleck they were quickly set aside. He did not even reply to General Porter's despatch, but afterwards, practically admitting the triumph of political intrigue, informed him that his motive in sending the despatch was attributed to "the desire to retain the Army of the Potomac on the Peninsula and General McClellan in command."[a]

In the meantime the conflict between General McClellan and the Secretary of War was already assuming national proportions; the people began to take sides; it became necessary to allay the excitement. In 1814 a village mob had appeared at the doors of the War Department. It needed now but an overwhelming reverse—a second conflagration of the capital—to call forth another mob, this time of more than village proportions.

The President, as much beloved by the Army as the people, again stepped into the breach. Addressing a war meeting held at Washington on the 6th of August, he said:

> There has been a very widespread attempt to have a quarrel between General McClellan and the Secretary of War. Now, I occupy a position that enables me to observe that these two gentlemen are not nearly so deep in the quarrel as some pretending to be their friends. General McClellan's attitude is such that in the very selfishness of his nature he cannot but wish to be successful, and I hope he will, and the Secretary of War is in precisely the same situation. If the military commanders in the field cannot be successful, not only the Secretary of War, but myself,—for the time being, the master of them both, cannot but be a failure. I know General McClellan wishes to be successful, and I know he does not wish it any more than the Secretary of War for him, and both of them together no more than I wish it. Sometimes we have a dispute about how many men General McClellan has had, and those who would disparage him say that he has had a very large number, and those who would disparage the Secretary of War insist that General McClellan has had a very small number. The basis for this is, there is always a wide difference, and on this occasion perhaps, a wider one than usual between the grand total on McClellan's rolls and the men actually fit for duty; and those who would disparage him talk of the grand total on paper, and those who would disparage the Secretary of War talk of those present fit for duty.
>
> General McClellan has sometimes asked for things that the Secretary of War did not give him. General McClellan is not to blame for asking what he wanted and needed, and the Secretary of War is not to blame for not giving him when he had none to give. And I say here, as far as I know, the Secretary of War has withheld no one thing at any time in my power to give him. I have no accusation against him. I believe he is a brave and able man, and I stand here as justice requires me to do so, to take upon myself what has been charged on the Secretary of War as withholding from him.[b]

In this speech, the President showed the same magnanimity as when the House of Representatives censured Mr. Cameron for his illegal expenditures in 1861. In both instances the President assumed all the responsibility, this time with much less justice than before.

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[a] Proceedings and Report of the Board of Army Officers in the case of Fitz John Porter, pt. 1, p. 4.

[b] Raymond's President Lincoln's Administration, p. 287.

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This speech, it will be seen, was delivered three days after the order was issued for the withdrawal of the Army of the Potomac from the Peninsula. Seven days later, the heads of the Confederate columns were turned toward the national capital, and as before related, on the 26th of August, they began to debouch on the plains of Manassas.

But one corps of the Army of the Potomac, for lack of transportation, was enabled to join the Army of Virginia, along the line of the Rappahannock; the others were disembarked at Alexandria and sent to the front, those landing after the arrival of General McClellan receiving their orders through him. At last, on the 30th of August, General McClellan informed General Halleck that every man of the Army of the Potomac within his reach had been sent forward. Still a commander, but without an army.

The time had now come to relieve him. The news of a victory at the front being the only justification needed, the occasion was not long delayed; at 5.30 a. m., August 30, General Pope, near Groveton, wrote to General Halleck:

We fought a terrific battle here yesterday with the combined forces of the enemy, which lasted with continuous fury from daylight until dark, by which time the enemy was driven from the field, which we now occupy. Our troops are too much exhausted yet to push matters, though I shall do so in the course of the morning, as soon as Gen. F. J. Porter comes up from Manassas. The enemy is still in our front, but badly used up. We have lost not less than 8,000 men killed and wounded, but from the appearance of the field the enemy lost at least two to one; he stood strictly on the defensive, and every assault was made by ourselves. The battle was fought on the identical battlefield of Bull Run, which greatly increased the enthusiasm of the men. The news just reaches me from the front, that the enemy is retiring toward the mountains; I go forward at once to see. We have made great captures, but I am not able yet to form an idea of their extent. Our troops behaved splendidly.[a]

This despatch was received at 3.20 p. m., and that very day, August 30, the following order was issued from the War Department, signed by the Assistant Adjutant-General:

The following are the commanders of the armies operating in Virginia: General Burnside commands his own corps, except those that have been temporarily detached and assigned to General Pope; General McClellan commands that portion of the Army of the Potomac that has not been sent forward to General Pope's command; General Pope commands the Army of Virginia and all the forces temporarily attached to it; all the forces are under the command of Major-General Halleck, General in Chief.[b]

Under this order the Army of the Potomac practically ceased to exist. At 2.30 p. m. on the 31st, General McClellan telegraphed:

* * * Under the War Department order of yesterday I have no control over anything except my staff, some 100 men in my camp here, and the few remaining near Fort Monroe. I have no control over the new regiments—do not know where they are, or anything about them, except those near here. * * * Where I have seen evils existing under my eye I have corrected them. I think it is the business of General Casey to prepare the new regiments for the field, and a matter between him and General Barnard to order others to the vicinity of Chain Bridge. Neither of them is under my command, and by the War Department order I have no right to give them orders.[b]

In military affairs it matters not whether a custom has its origin in the Constitution, in the laws, or in repeated usurpations; it ultimately becomes as binding in one case as in the other. When Mr. Pierce

[a] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 186, Supplement.

[b] McClellan's Report, p. 181.

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approved the Attorney-General's opinion, in the controversy between General Scott and Mr. Davis, and stated that it would "be regarded as the settled doctrine as to the relation of the President to the respective heads of department," the command of the Army passed to the Secretary of War.[a]

Save in a few judicial proceedings, such as the approval of the dismissal of an officer by sentence of court-martial, the President's name need never be mentioned to the Army; a letter or order signed "By order of the Secretary of War," might be his own order or the order of the President; whether or not it implied the President's direction, it did imply confusion; the Army could never know whom it was obeying. Rather than twist and contort such a simple expression as "By order of the Secretary of War," it would have been better to substitute the term "War Department" and leave officers to guess who was the oracle.

The custom, however, at this particular time, had a peculiar advantage. If the Secretary's orders implied the President's direction, there was no reason why an order from the Adjutant-General should not imply the Secretary's approval, and by another implication, the approval of the President. The Adjutant-General again was recognized as the organ of the General in Chief, precisely as the Secretary was the organ of the President. By applying the principle enunciated by the Attorney-General and acted upon by the Secretary of War, the Adjutant-General might issue in his own name all the orders to the army, and if his authority were disputed, he might say that all his official instructions, when not issued in his proper right, were valid and lawful because they implied either the direction of the President, the Secretary of War, or the General in Chief.[b]

If a department commander, a Harrison or Jackson, ventured to remind him that he was but the organ of his civil or military superior; that except in certain cases he had no right to issue any instructions in his own name, and that the regulations expressly stated when any official shall "write by order, he shall state by whose order," he could complacently reply that he was acting by the authority of any one of the civil or military officers, all of whom were superior to a department commander.

It was at one of the most dangerous crises of our history that an order was issued open to all the foregoing objections. Already quoted, it bore the caption "War Department," and without any phrase "by order," or "by whose order," was signed "E. D. Townsend, Assistant Adjutant-General." The purpose of the order was very apparent, but whose order, if not that of the officer who signed it, was not so obvious. It was not the order of the General in Chief, although it is plain that before it was published he was aware of the nature of its

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[a] On the 31st of August, 1855, Hon. Caleb Cushing, Attorney-General of the United States, ruled: "As a general rule the direction of the President is to be presumed in all instructions and orders issuing from the competent Department.

"Official instructions issued by the headquarters of the several Executive Departments, civil and military, within their respective jurisdictions, are valid and lawful without containing express reference to the direction of the President."

And again, Hon. Jeremiah H. Black, Attorney-General, ruled July 31, 1860: "An official act done by the head of a Department, is the act of the President, and no appeal lies from the former to the latter."—EDITORS.

[b] This, the theory of multiple command, is not new to the Army, and in past years was acted on frequently by the chiefs of bureaus in the War Department. The establishment of a General Staff, with the Chief of Staff representing the President and Secretary of War, has put an effectual stop to this practice.—EDITORS.

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contents. At 1.07 p. m. of the 31st, in reply to the despatch of 2.30 p. m. from General McClellan, who had received and obeyed the order, General Halleck telegraphed:

> Since receiving your despatch relating to command, I have not been able to answer any question not of absolute necessity. I have not seen the order as published, but will write to you in the morning. You will retain the command of everything in this vicinity not temporarily belonging to Pope's army in the field.[a]

The order, again, could not have come from the President, except on the theory that the order of the Adjutant-General implied the order of the Secretary of War, which in its turn implied the President's direction. Fortunately the mystery was afterwards cleared up by the officer who signed it, who informed General McClellan that it was "published by order of the Secretary of War."

This order, however, so illustrative of the abuses of our system, was never published to the Army. General Pope's despatch, which was the pretext for issuing it, was written in the early morning of the 30th of August, before his only furious battle had been fought. On the evening of the same day the country was again startled by hearing that the second battle of Bull Run, like the first, had ended in defeat. Had it finished in a total rout of the troops and the overthrow of the Government, for which the Confederates were fighting, it would have been written that during the last battle for the Republic, our General in Chief and military commanders suffered themselves to be ordered about by an Assistant Adjutant-General, whose right to command was no better than that of any subordinate officer of his grade.

In explaining the cause of his defeat, the commander of the Army of Virginia entirely overlooked the lost opportunity of the 28th. On the 1st of September, after the Army had fallen back to Centreville, he telegraphed to General Halleck:

> * * * I think it my duty to call your attention to the unsoldierly and dangerous conduct of many brigade and some division commanders of the forces sent here from the Peninsula. Every word and act and intention is discouraging, and calculates to break down the spirits of the men and to produce disaster. One commander of a corps who was ordered to march from Manassas Junction to join me near Groveton, although he was only 5 miles distant, failed to get up at all; and worse still, fell back to Manassas without a fight and in plain hearing, at less than 3 miles distance, of a furious battle which raged all day. It was only in consequence of peremptory orders that he joined me next day. One of his brigades, the brigadier-general of which professed to be looking for his division, absolutely remained all day at Centreville in plain view of the battle, and made no attempt to join. What renders the whole matter worse, these are both officers of the Regular Army, who do not hold back from ignorance or fear. Their constant talk, indulged in publicly and in promiscuous company, is that "the Army of the Potomac will not fight;" "that they are demoralized by withdrawal from the Peninsula, etc."
>
> When such an example is set by officers of high rank, the influence is very bad among those in subordinate stations. You have hardly an idea of the demoralization among officers of high rank in the Potomac Army, arising in all instances from personal feeling in relation to changes of commander in chief and others. These men are mere tools or parasites, but their example is producing and must necessarily produce very disastrous results. You should know these things, as you alone can stop it. Its source is beyond my reach, though its effects are very perceptible and very dangerous. I am endeavoring to do all I can, and will most assuredly put them where they shall fight or run away. My advice to you (I give it with freedom, as I know you will not misunderstand it) is, that in view of any satisfactory results, you draw back this army to the intrenchments in front of Washington, and set to work in that secure place to reorganize and rearrange it. You may avoid great disaster by doing so.[b]

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[a] McClellan's Report, p. 181.

[b] Report of the Joint Committee on the Conduct of the War, vol. 2, pp. 166, 167, Supplement.

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Six months later, still convinced that the battle was lost on the 29th, he stated in his official report:

* * * General Porter was tried before a court of nine general officers of years and experience, who, after a patient investigation of forty-five days, pronounced that his willful failure to obey his orders, prevented the capture or destruction of the rebel army under Jackson on the 29th of August, 1862. The records of that trial have been published by Congress and can be readily referred to. [a]

On the afternoon of the 1st of September, General McClellan was sent for by the General in Chief to come to his house to see the President. The latter, after having had time to consider the sweeping charge that the Army of the Potomac would not fight, told General McClellan that he had always been a friend of his; added that he had reason to believe that the Army of the Potomac was not cheerfully cooperating and supporting General Pope, and then adding that General McClellan could rectify the evil, requested him to telegraph "Fitz John Porter or some other of his friends" to do away with any feeling that might exist. Receiving the reply that General McClellan would cheerfully telegraph to General Porter and to anybody else in his power to gratify his wishes and relieve his anxiety, the President thanked him warmly, assured him he could never forget his action in the matter, and then left.

The cheerful compliance with the President's request gave rise to another despatch, which, disconnected from all the circumstances which led to it, has been construed to the prejudice of its author. This despatch, written by General McClellan after the President left the house of General Halleck and sent by the latter to Porter, September 1, was as follows:

I ask of you, for my sake, that of the country, and the old Army of the Potomac, that you and all my friends will lend the fullest and most cordial cooperation to General Pope in all the operations now going on. The destinies of our country, the honor of our arms are at stake, and all depends now upon the cheerful cooperation of all in the field. This week is the crisis of our fate. Say the same thing to my friends in the Army of the Potomac and that the last request I have to make of them is that for their country's sake they will extend to General Pope the same support they ever have to me. I am in charge of the defenses of Washington and am doing all I can to render your retreat safe should that become necessary. [b]

General Porter the next day (September 2) replied from Fairfax Court-House:

You may rest assured that all your friends, as well as every lover of his country, will ever give, as they have given, to General Pope their cordial cooperation and constant support in the execution of all orders and plans. Our killed, wounded, and enfeebled troops attest our devoted duty. [b]

The accusation that the Army of the Potomac would not fight, will justify the inquiry: "What troops fought the second battle of Bull Run?" The Army of Virginia, as we know, consisted of the corps of Generals Banks, Sigel, and McDowell. Of these, General Banks's corps took no part, being assigned to the protection of the trains. At the beginning of the campaign (June 30) Sigel reported:

* * * The troops forming the First Corps are not in good condition. They are weakened and poorly provided. The organization is not complete, and the whole cavalry force consists of not more than 800 effective men and horses. [c]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 175, Supplement.

[b] McClellan's report, p. 183.

[c] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 109, Supplement.

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Again, on the 5th of July, he telegraphed that on being transferred to command the First Corps, he found it—

to be in a very bad condition in regard to discipline, organization, construction of divisions and brigades, equipments, and to a great extent demoralized.[a]

These despatches explain some of the paragraphs in the report of the army commander.

Before any portion of the Army of the Potomac joined him, General Pope states:

* * * I had telegraphed to the General in Chief from Rappahannock Station, on the 22d, that this practice of straggling was very common and was reducing our force considerably, even at that time.[b]

In regard to the conduct of the troops in battle, he stated:

* * * It is proper for me to state here, and I do it with regret and reluctance, that at least one-half of this great diminution of our forces was occasioned by skulking and straggling from the Army. The troops which were brought into action fought with gallantry and determination, but thousands of men straggled away from their commands and were not in any action. I had posted several regiments in rear of the field of battle on the 29th of August, and although many thousand stragglers and skulkers were arrested by them, many others passed around through the woods and did not rejoin their commands during the remainder of the campaign.[b]

The corps, estimated at 9,000 on the 26th, skirmished with the enemy on the 28th, and was hotly engaged on both the 29th and 30th; McDowell's corps on the 26th was composed of the divisions of King, Ricketts, and Reynolds. Ricketts's division fought at Thoroughfare Gap on the 28th, but retreating afterwards via Gainesville and Bristoe, was unable to rejoin the corps till the evening of the 29th; it consequently took no part in the battle till the 30th.

King's division engaged the enemy at Groveton the evening of the 28th, and then withdrawing via Manassas arrived on the field in time to be engaged on the evening of the 29th, as also on the 30th.

These two divisions, about 13,000 men, and General Sigel's corps, 9,000, were all the troops belonging to the Army of Virginia, who confronted the 60,000 Confederates on the 29th and 30th. Reno's division of 7,000 belonged to Burnside's command, the remainder of which was still holding on to Falmouth, opposite Fredericksburg. The remaining troops, viz, Reynolds's division of Pennsylvania Reserves, Kearny's and Hooker's divisions of Heintzelman's corps, and Morell's and Sykes's divisions of Porter's corps, in all 20,500,[c] belonged to the Army of the Potomac. It was these troops and the division of Reno, numbering in all 30,000 men, aided by what remained of Sigel's 9,000, who fought the battle of the 29th; and it was the same troops supported by Sigel's and McDowell's corps, reported at 22,000 on the 26th, who fought the only furious battle on the 30th.[d]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 176, Supplement.

[b] Ibid., p. 164.

[c] General Pope's Report, Report of the Joint Committee on the Conduct of the War, vol. 2, p. 172, Supplement.

[d] General Pope on the 1st of September gave Franklin's corps as 8,000; Sumner's, 11,000. (Report of the Joint Committee on the Conduct of the War, vol. 2, p. 163, Supplement.) General McClellan in his despatches to General Halleck, estimated Franklin's force between 10,000 and 11,000.

Fox's Regimental Losses of the Civil War gives the losses in the Second Bull Run, August 28–30, as 1,747 killed, 8,452 wounded, and 4,263 missing; aggregate 14,462.—EDITORS.

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In reading the history of this battle, no one can fail to regret that Franklin's and Sumner's corps of 22,000 men were not on the field on the 30th, when their presence might have been decisive.

Had the Army of Virginia fallen back to Centreville as early as the 24th or 25th, there is no doubt that Franklin's corps and all of Burnside's command could have joined it as early as the evening of the 27th. Again, had General Pope, after his arrival at Centreville, been able the night of the 28th to send a dispatch to Washington before daylight of the 29th, Franklin's corps might have joined on the evening of the same day. Why he did not do so has never been explained.

The advocates of War Department strategy, however, may again exclaim that all of the Army of the Potomac might have joined a week earlier if, instead of moving from Harrison's Landing on the 14th of August, it had moved on the morning of the 4th, the day after it received the positive order to withdraw. The reasons why it could not move earlier have already been given, but assuming that by abandoning its sick and stores it could have marched on the morning of the 4th, let us ask what change would have resulted in the campaign, the object of which was to unite the two armies on the Rappahannock.

To determine the question, the fact should not be overlooked that the misguided advisers of the President and the Confederate commander were aiming at the same object.

The former urged the President, and finally succeeded in procuring an order for the withdrawal of the army from the Peninsula. General Lee sought to compel its withdrawal by again threatening Washington. To do this it was only necessary to make a demonstration. Jackson was ordered to attack the Army of Virginia, which he did at Cedar Mountain. When the Confederate general, who was trammeled by no orders from his War Department, saw that this movement had produced the desired effect—the evidence of which was the reshipment of Burnside's command from Fort Monroe to Aquia Creek, as also the appearance of a large fleet of transports at Harrison's Landing—he put his whole army in motion, leaving Richmond as we have seen on the 13th, the day before Porter's corps started for Fort Monroe. Ignorant of the cooperation of the military council at Washington, the Confederate commander thus far attributed his success entirely to his own skill. Instead of waiting till the 13th for his plans to mature, let us now ask what change he would have made had he learned on the 4th of August that the Army of the Potomac had begun to retreat.

The answer requires us to transfer our glance to the new theater of operations. On the 1st of August the Army of Virginia was along the Rappahannock; on the 7th, to the number of 28,000 men, it was in the vicinity and to the west of Culpeper Court-House, in the fork between the Rappahannock and the Rapidan.[a] King's division, which had not yet joined, was opposite Fredericksburg or in front of Aquia Creek, where the commander was aware the Army of the Potomac had been ordered. On the enemy's side, Jackson on the 17th of July left Richmond by rail, and on the 19th with his corps arrived at Gor-

[a] Report of General Pope, Report of the Joint Committee on the Conduct of the War, vol. 2, p. 115, Supplement.

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donsville. The advance of the Army of Virginia caused him to ask for reenforcements, and Hill's division was sent to him. On the 2d of August the Union cavalry advanced to Orange Court House. On the 7th, Jackson, reenforced, occupied the same point; on the 8th, he occupied the commanding position on the south bank of the Rapidan; the same day he crossed the river, and on the 9th was so badly crippled at Cedar Mountain as to be compelled on the 11th to retreat to the vicinity of Gordonsville.[a]

Had he known on the 4th, of the retreat of the Army of the Potomac, the Confederate plan would have been completely reversed, the Army of Virginia would not have been attacked, the high ground and south bank of the Rapidan would not have been occupied; the Union army would have been encouraged to advance to Orange Court-House, and, if possible, to Gordonsville. In the meantime the whole Confederate army would have been united, and maneuvering by its right, to get between the Army of Virginia and the troops now supposed to be landing at Aquia Creek. It would have aimed first to cut off the retreat across the Rapidan, and then to force our army back against the mountains and if possible compel it to surrender.

If the Army of Virginia had refused to lend itself to the enemy's plans, and had remained in the fork between the two rivers, other plans would have been suggested. Occupying it in front, the whole Confederate army, crossing the lower fords of the Rapidan, might have turned its left, cut it off from all reenforcements from Fredericksburg, and again sought to force it against the mountains. This was the plan actually adopted by the Confederates, and was to have been executed on the 18th, but was thwarted by the capture of a despatch from General Lee, dated the 15th, at Gordonsville, which showed General Pope that the object of the enemy was to overwhelm his army, before it could be reenforced from the Peninsula.

Had this plan failed, the enemy had yet plenty of space between Rappahannock Station and Fredericksburg to penetrate between the two armies, but the destruction of the Army of Virginia would no longer have been possible. The country was open, and it would have retreated rapidly behind Bull Run. There would still, however, have been the troops at Aquia Creek and Fredericksburg, who could have been driven into the *cul-de-sac* between the Potomac and the Rappahannock.

To make the reader fully understand the advantages of the Confederate leader for making the foregoing movements, it should be stated that leaving Richmond on the 13th with his main body, he was able, on the 20th, to cross the Rapidan at the head of his whole army. Taking the same time, had he left Richmond on the 4th, the earliest day the Army of the Potomac could possibly have turned back from Harrison's Landing, he would have arrived on the Rapidan on the 11th of August. By marching 60 miles and taking the first transports that could be got hold of, one corps of the Army of the Potomac, which left Harrison's Landing on the 14th, was able to reach Fredericksburg on the 21st, which was still 30 miles from Culpeper Court-House. The movement of this one corps of 12,000 men to Aquia Creek,

[a] Dabney's Life of Stonewall Jackson, pp. 489–508.

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required the same time as did the main body of Lee's army to close up to his advance guard.[a]

The transports had then to go back to Fort Monroe, when, before they could return to Aquia, it was found necessary to order them on to Alexandria. By not taking into account the future movements of the enemy this extension of the line of transportation by water caused another delay. August 23, twenty-four days after the order to remove the sick and stores, there were still no transports for Sumner's corps, which was the last to get away from Fort Monroe.

The impossibility of effecting a junction on the Rappahannock can be established still more conclusively. There was not sufficient light-draft transportation in the country to take up the Army of the Potomac in a body from Harrison's Landing and set it down at Aquia Creek. Had General Halleck, therefore, directed it to abandon the sick and stores, and to begin its march to Fort Monroe, and been able to notify its commander that there would be at docks, already prepared, enough steamers to ship his whole army—infantry, artillery, cavalry, and trains—the troops, not counting the time consumed in embarking, steaming to Aquia, and landing, would nevertheless have had to march 60 miles to Fort Monroe and 30 more after leaving Aquia, a total of 90 miles against the shorter line of 70 miles traversed by the Confederates from Richmond to Culpeper. These facts ought to convince the most incredulous, that no delay of the Army of the Potomac could possibly have changed the plans of the Confederate commander.

Had it been able to move on the 4th of August, the Second Bull Run would never have occurred, but with an active enemy operating on interior lines, a greater calamity might have overtaken us; we might have read of the destruction of the Army of Virginia, as also the capture or flight of all the troops who had landed at Aquia and Alexandria, in the vain hope of being able to join it.

When, on the evening of the 30th, the news was received at the War Department that the Second Battle of Bull Run had ended in defeat, the exaltation of the morning gave place to despair. Where the disaster would stop, nobody knew. The Sixth Corps, on arriving at Centreville at 6 p. m., found the road "filled with fleeing men, artillery, and wagons, all leaving the field in a panic." Straggling, a vice acknowledged before the Army of the Potomac could join the Army of Virginia, had approached its climax; more than 7,000 men were arrested by the Sixth Corps in less than half an hour.

The panic, like that at the First Bull Run, appeared unaccountable.

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[a] The accusation of being slow in the campaign was not confined to the Union commanders. By allowing five days to traverse the 70 miles from Richmond to the Rapidan, it was supposed that the combined movement against the Army of Virginia could begin on the 18th. The biographer of Jackson states: "The Commander in Chief, who was now upon the ground, appointed the morning of the 18th at dawn of day for the critical movement, but the dilatoriness of a part of the subordinates disappointed the completeness of his combinations, and, overruling the eagerness of Jackson, he postponed it until the 20th." (Dabney's Life of Stonewall Jackson, p. 511.) Jackson was to cross on the left at Somerville ford, Longstreet below at Raccoon ford, and the cavalry under Stuart at Morton's ford. The cavalry was next to proceed directly to the Rappahannock, destroy the bridge, turn back, attack the trains, and finally join Longstreet.

The object of the movement was to sever the army from its line of retreat, and thus isolate and destroy it.

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The despatch from General Franklin containing this startling account, was dated Centreville, 8.15 p. m. The military council was not again summoned. Its members remained at their bureaus. The order taking away from the commander of the Army of the Potomac almost everything save his command was suppressed. The Secretary of War turned his attention to raising new levies. The next day the General in Chief telegraphed General McClellan:

> I beg you to assist me in this crisis with your ability and experience. I am entirely tired out.[a]

Under the Roman Republic, where the people were accustomed to personal government, a similar crisis would have been met by the appointment of a dictator. But with a patriotic army, disciplined in spite of the impatience of the people, the situation was less desperate. It cannot, however, be denied that there was great dissatisfaction on the field. History relates that throughout the Revolution, the policy of Congress kept the Continental Army on the verge of mutiny, yet on the field of battle it never failed in its duty. Growling and fighting in those days were the only privileges of a disciplined soldier.

From the picket line overlooking the Chickahominy, the officers and men of the Army of the Potomac had often gazed upon the spires of Richmond, and confidently expected to soon occupy the Confederate capital.

They had emancipated themselves from the delusion that the art of war, or the principles of military organization, would make any exception in favor of our geography or free institutions. They did not believe that campaigns could be conducted without regard to lines of communication. Having withdrawn the last man from the defenses, they were clear in the conviction that if any army should attempt to defend Washington by hanging on the flanks of the enemy and placing its back against the mountains, it would invite its own destruction and insure the taking of the capital. Of the patriot host of 637,000 men who were on the rolls of the Army on the 31st of March, they saw with mortification that to meet the enemy in their front, on the 1st of September, there could be got together but 63,000 men.

To their minds history presented no parallel to such dispersion and waste of military strength; they did not hesitate to denounce its authors; they criticised the Joint Committee on the Conduct of the War for breaking the bands of discipline by tempting officers to criticise their superiors; they denounced the military council; they denounced the withdrawal of the Army of the Potomac from the Peninsula as a crime plotted in the War Department; they denounced the Secretary of War for quitting the domain of administration to exercise the functions of a military commander; they denounced everybody connected with the gross mismanagement of the war, save the Patriot President, whose character they venerated as much as his office.

It cannot be said that at the Second Bull Run the Army of the Potomac did not fight. Regulars and volunteers, as well as nearly all of their commanding officers, received the highest praise in the official report of the commander of the Army of Virginia.[b]

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[a] McClellan's Report, p. 181.

[b] Report of the Joint Committee on the Conduct of the War, vol. 2, p. 173, Supplement.

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The charge was not cowardice but "unsoldierly and dangerous conduct of many brigade and some division commanders." It was not corps commanders alone who were censured. Admitting that there was discontent and freedom of speech on the part of some of the high officers, shall we count their exposure in battle for nothing? Shall we denounce them as unpatriotic? If so, what shall be said of Greene, Sullivan, and Knox, who in the dark days of 1777 threatened to resign because Congress proposed to overslaugh them by the appointment of a French officer, Du Coudray, as a major-general of artillery?

As a people who love our institutions, we should reflect that, as a rule, governments are overthrown only when enemies are thundering at the gates of their capitals. This being admitted, what shall be said of all the general officers who in 1776, without the definite authority of Congress, pressed upon Washington the immediate organization of more troops? What, too, shall be said of Washington and Greene, bosom friends, who, after frequent consultation, wrote to Congress—the former on the 20th of December, the latter on the 21st—urging that Washington be made a dictator.[a]

According to the Father of his Country, subordination and discipline were the best pledge of devotion an army could give to its government, but in armies, as among the people, abuses can only be checked by discipline. Had the officers of the Army of the Potomac been reduced to the slavish subjection of Turkish pashas, they might have said anarchy is the best field for the ambition of a soldier, it matters little what becomes of the government. But their conduct was the reverse. They denounced the faults that had been committed, and by their indignation helped to save the Government and people from their further repetition.

The two army commanders, who, before the movement from the Peninsula, gave the Government opposite advice, at last coincided in opinion.

They both recommended that the two armies be drawn back to the defenses. In the attempt to execute an impossible plan both had been duped. General McClellan was led to believe that he would have the command of the combined armies, while General Pope was informed that after their junction, the General in Chief would take command in person.

Later, according to the Proceedings and Report of the Board of Army Officers, in the case of General Porter:

> It appears that General Pope was notified, on the 25th of August, that an active campaign was soon to be commenced, without waiting for a union of all the forces, and under some commander other than either of those before named. But this information appears to have been of a secret character, afterwards suppressed, and not made known to General McClellan and his subordinates until five days later, when the order appeared from the War Department, depriving McClellan of the command of all his troops then between the Potomac and the Rappahannock, although leaving him in nominal command of the Army of the Potomac.[b]

When the armies were finally united, the question still remained open, Who should command? By an order from the Executive Mansion, General McClellan had been relieved as General in Chief. By a communication from the War Department, signed by an Assistant Adjutant-

[a] Sparks's Writings of Washington, vol. 4.

[b] Proceedings and Report of the Board of Army Officers, in the case of Fitz John Porter, vol. 2, p. 1803.

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General, and said to be the order of the Secretary of War, he had practically been relieved from the command of the Army of the Potomac. This order had been ratified by the General in Chief as late as the 31st of August, who explained it by telegraphing General McClellan:

You will retain command of everything in the vicinity not temporarily belonging to Pope's army in the field.[a]

To reinstate the deposed commander, was to confess that the whole campaign was a failure; yet something had to be done. A double peril confronted the Government. Bragg, in the West, had begun his march toward the Ohio River, while Lee, with renewed confidence, was crossing into Maryland. For two or three days the President consulted his advisers, but with no satisfactory result. At last, assuming all the responsibility, he took the General in Chief with him, turned his back on the War Department, and, without disclosing his purpose, proceeded to the house of General McClellan, where, for the moment, he brought the long controversy to a close by saying:

General, you will take command of the forces in the field.[a]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 451–453.

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CHAPTER XXV.

REVIEW OF THE CAMPAIGN OF THE ARMY OF THE POTOMAC FROM THE RESTORATION TO THE FINAL REMOVAL OF GENERAL McCLELLAN FROM COMMAND.

The Departments of the Rappahannock and Shenandoah having been swept away by the course of events, the laconic order to General McClellan ought to have restored unity of command East of the Alleghenies, but the morbid fears still entertained as to the safety of the capital, again prevented a result which might otherwise have been decisive. On receiving this order, the commander of the Army of the Potomac did not seek to harrass or perplex the mind of the President. He might have represented that there could be no success in military operations while any civil officer other than the constitutional Commander in Chief was permitted to exercise military command. He proposed, however, no conditions, but like a faithful and subordinate soldier, at once crossed the Potomac to make dispositions against attack. The moment he appeared, the acclamations of the troops could be heard for miles, throughout the whole extent of the long columns.

No sound should have been more welcome at the capital. Confidence was restored. Retreating from a twice-fatal field, the defeated and dejected armies became, in an instant, ready for battle. In this crisis history repeated a valuable lesson. The fugitives from the First Bull Run spread such terror and dismay throughout the country, that for six months it was found impossible to again meet the enemy.

It was now reserved for the Army of the Potomac to prove that discipline could cover a multitude of blunders. Not a moment was lost in reorganizing. General McClellan was restored to command on the 2d of September. The same day General Halleck ordered the two armies to fall back to the defenses. On the 3d, the heads of columns were directed across the Potomac, and on the 12th, the right wing reached Frederick. Thus far everything had gone well. But now the chronic fear in regard to the safety of the capital again began to trammel the action of the commander. On the 9th, he received a telegram from General Halleck:

> Until we can get better advices about the numbers of the enemy at Dranesville, I think we must be very cautious about stripping, too much, the forts on the Virginia side. It may be the enemy's object to draw off the mass of our forces and then attempt to attack from the Virginia side of the Potomac. Think of this. [a]

On the 11th, General Halleck again telegraphed:

> Why not order forward Keyes or Sigel? I think the main force of the enemy is in your front; more troops can be spared from here. [b]

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[a] McClellan's Report, p. 186.
[b] Ibid., p. 187.

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The offer was quickly accepted and the request made for all the troops that could be spared, but none were sent forward.

The next day the President again telegraphed:

> Governor Curtin telegraphs me "I have advices that Jackson is crossing the Potomac at Williamsport, and probably the whole rebel army will be drawn from Maryland." * * * Receiving nothing from Harper's Ferry or Martinsburg to-day, and positive information from Wheeling that the line is cut, corroborated the idea that the enemy is recrossing the Potomac. Please do not let him get off without being hurt.[a]

By unexampled good fortune, General McClellan, on the 13th, received the full text of General Lee's order for the investment and capture of Harper's Ferry. The order directed Jackson, with three divisions, to move via Williamsport and Martinsburg, on Harper's Ferry; McLaws, with two divisions, to Maryland Heights; Walker, with one division, was to recross the Potomac below Harper's Ferry and occupy Loudoun Heights; Longstreet, with two divisions, all the reserve, supply, and baggage trains, was ordered to Boonsboro; Hill's division was to form the rear guard; the cavalry, after detaching a sufficient force to accompany each of the moving columns, was to bring up the stragglers in the rear.

Five divisions of the Confederate Army were thus separated from the remaining four by a broad river, while nothing but a thin curtain separated the artillery and trains from the whole Army of the Potomac. Never was a more brilliant opportunity presented to a commander. Another opportunity had presented itself for ending the Rebellion. Unfortunately the telegraph brought news of divided councils at the capital. The President a few days before had relinquished control, but he had not yet learned the importance of signifying his wishes through a General in Chief. While the President was telegraphing, "Please do not let him (the enemy) get off without being hurt," General Halleck was urging more caution. On the 13th, the day the order was found in the enemy's camp, he telegraphed McClellan:

> Until you know more certainly the enemy's force south of the Potomac, you are wrong in thus uncovering the capital. I am of the opinion that the enemy will send a small column toward Pennsylvania to draw your forces in that direction, then suddenly move on Washington with the forces south of the Potomac and those he may cross over.[a]

Thus hampered by contradictory orders, McClellan moved forward, and on the 14th, to the great alarm of the enemy, captured the line of South Mountain, but not without a loss of more than 2,000 men.

To the despatch announcing this victory the President replied:

> Your despatch of to-day received. God bless you and all with you. Destroy the rebel army if possible.

On the same day, the following telegram from General Halleck checked the energy and boldness which ought to have characterized his movements:

> Scouts report a large force still on the Virginia side of the Potomac. If so, I fear you are exposing your left and rear.[a]

It may be said that, with the knowledge that had come into his possession, General McClellan should have imitated the example of Montecuculi, who refused to read the despatches from his government till

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[a] McClellan's Report, p. 187.

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after the close of the campaign. The knowledge, however, has first to be tested, besides, since the time of a Montecuculi or a Eugene, who dared to attack his enemy in defiance of orders, the modes of communication had changed. The telegraph bound the commander of the Army of the Potomac to Washington. Had he postponed the opening of a telegram for a single day, his conduct would have been insubordinate, and would have justified his instant removal.

Notwithstanding the renewed interference from Washington, he still had a brilliant prospect of success when, on the 16th of September,[a] he heard of the surrender of Harper's Ferry. This untoward event, brought about in part by the misconduct of the raw troops who abandoned Maryland Heights, but chiefly due to the imbecility of the commanders, cost the Government 12,000 men. On the morning it occurred, nearly the whole army was over the South Mountain and Franklin's corps was at Crampton's Gap, but 7 miles from Maryland Heights. Had the garrison held in check for a few hours longer McLaws' two divisions, they would have been overwhelmed by Franklin. The capture of Harper's Ferry opened up to McLaws the only means of escape. Rapidly crossing into Virginia, five of the six divisions which had participated in the investment began their circuitous march to rejoin the forces north of the Potomac.

REVIEW OF CRITICISMS OF GENERAL McCLELLAN.

An ex parte investigation, made by a military commission of which General Hunter was president, threw the blame of the surrender of Harper's Ferry upon the commander of the Army of the Potomac. In the report of this commission it was stated:

> The commission has remarked freely on Colonel Miles, an old officer, who has been killed in the service of his country, and it cannot, from any motives of delicacy, refrain from censuring those in high command when it thinks such censure deserved. The General in Chief has testified that General McClellan, after having received orders to repel the enemy invading the State of Maryland, marched only 6 miles per day, on an average, when pursuing this invading army. The General in Chief also testified that, in his opinion, he could and should have relieved and protected Harper's Ferry, and in this opinion the commission fully concurred.

The conclusions of the commission were reached by a very simple process. By eliminating the restraining influence of General Halleck's telegrams, and making no allowance for the enemy's movements from the 2d to the 13th of September, the problem, as presented to the commission, was one in arithmetic.

General McClellan assumed command at Washington on the 2d of September, and on the 4th, two of his corps were on the north bank of the Potomac at Tenallytown. The distance from Tenallytown to Harper's Ferry, as the crow flies, was but 40 miles. Casting aside the whole of Lee's army, as Banks's force of 35,000 men had been set aside by Generals Hitchcock and Thomas when they reported that the President's orders for the defense of Washington had not been complied with, it clearly appeared that had the army moved at the rate even of 6 miles a day, it would have arrived at Harper's Ferry on the 11th, whereas the surrender did not take place till four days later, on the 15th.

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[a] It is possible that McClellan heard this news on the night of the 15th. At 7 o'clock a. m., on the 16th, he telegraphed General Halleck: "I learn that Miles surrendered at 8 a. m. yesterday."—EDITORS.

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This reasoning, which temporarily served a partisan purpose, will not affect the verdict of history.

General McClellan's plan to punish Lee was formed the instant he received the order disclosing the Confederate movements. At 6.20 p. m. on the 13th, after explaining in full the enemy's intentions, he instructed General Franklin:

> You will move at daybreak in the morning by Jefferson and Burkettsville upon the road to Rohrersville. I have reliable information that the mountain pass by this road is practicable for artillery and wagons. If this pass is not occupied by the enemy in force, seize it as soon as practicable and debouch upon Rohrersville in order to cut off the retreat of, or destroy, McLaws' command. * * * Having gained the pass, your duty will be first to cut off, destroy, or capture McLaws' command and relieve Colonel Miles. My general idea is to cut the enemy in two and beat him in detail. I believe I have sufficiently explained my intentions. I ask of you, at this important moment, all your intellect and the utmost activity that a general can exercise.[a]

The next day at 2 p. m., well knowing the value of time, he again sent orders to Franklin:

> Mass your troops and carry Burkettsville at any cost.[a]

By a gallant assault on the afternoon of the 14th, Franklin carried Crampton's Pass, and, debouching from it and turning to the left, arrived within 3½ miles of Maryland Heights only to learn the next morning that Harper's Ferry had surrendered. Cheated of its legitimate prey, the Army of the Potomac completed the passage of the South Mountain on the 15th, pushed forward to the Antietam on the 16th, and on the 17th, won the victory which ended the first Confederate invasion.

Civil and military critics with full knowledge of the strength of both armies, have followed the luckless commander to the close of his last battle. With the benefit of their after knowledge, he doubtless might have now punished Lee's temerity and crushed the Rebellion at a single blow, but seeking information at the point of the bayonet is one thing, and looking for it on the shelves of a library is another. The principal criticisms were that he fought the battle in detail, and that the corps of Fitz John Porter, numbering 12,000 men, was not engaged. The first charge is true, but the fighting of battles in detail took place both in the East and in the West during the great campaigns of 1864, and has happened in nearly every war in history, being of all others the most frequent cause of defeat.

The successive attacks of Hooker, Mansfield, and Sumner were not, however, in accordance with plans or repeated instructions of the commander. Hooker engaged at daylight, Mansfield about 8 o'clock, and Sumner an hour later. The onset of these three corps nearly crushed the Confederate left, but at 10 a. m., the arrival of two divisions from their right saved it from total defeat. To prevent the possibility of such a transfer of troops from one point to another, General McClellan early in the morning, directed Burnside's corps on the extreme left to be held in readiness to assault the bridge in its front. At 8 a. m. he was ordered to carry the bridge and the heights beyond, and then attack the Confederate right in rear of Sharpsburg. In proportion as the fighting developed on the right, these orders to the Ninth Corps became more frequent and urgent. Nevertheless it was not till 1 p. m. that the bridge was carried, nor till 3 p. m. that the successful advance was made upon Sharpsburg.

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[a] McClellan's Report, p. 192.

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This inexcusable delay on the part of General Burnside[a] permitted two-thirds of the Confederate right to move to the support of its left, while late in the afternoon the arrival of a fresh division from Harper's Ferry, enabled the Confederates to attack the left flank of the Ninth Corps and drive it back to the Antietam.

From about 9 a. m., when the two divisions were withdrawn from the Confederate right, till the arrival of the troops from Harper's Ferry the only force confronting the Ninth Corps of 13,000 men was one Confederate division of 2,500.[b]

It has been said that General McClellan was too tender of his troops. The popular opinion of the time found expression in the President's request that the enemy should not be permitted to escape without being hurt. In the battle of Antietam the charge of timidity was unfounded.[c] At 1 p. m., the moment the Ninth Corps carried the bridge, General McClellan rode to the point of woods in front of the Dunker Church. The Sixth Corps had arrived and was eager to attack. The gallant Sumner, a witness of the terrible slaughter of the morning, arrested the movement. Its general made an appeal to the commander of the army. The enemy, in the opposite woods, lay behind the ledges of rocks, which formed a natural fortification. But two divisions, the only fresh troops now across the Antietam, were available for an assault. Eight divisions had been placed *hors de combat*. The commander did not yet know that the bridge had been carried on the left. He could not, in the situation as then presented, refuse to heed the advice of his subordinates. A desperate move, a simultaneous attack on the right and left, might possibly have settled the fate of the Confederacy, but from making this attack he was dissuaded by the veteran Sumner. The hero exclaimed: "Among all the troops engaged there was no organization left."

It is true that the commander did not use the corps of Fitz John Porter, reported at about thirteen thousand men. A portion of it was

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[a] General McClellan makes the following statement in his report of Burnside's inaction at Antietam:

"At 8 o'clock [September 17] an order was sent to him [General Burnside] by Lieutenant Wilson, Topographical Engineers, to carry the bridge. * * * After some time had elapsed, not hearing from him, I despatched an aid to ascertain what had been done. The aid returned with the information that but little progress had been made. I then sent him back with an order to General Burnside to assault the bridge at once and carry it at all hazards. The aid returned to me a second time with the report that the bridge was still in possession of the enemy, whereupon I directed Colonel Sacket, inspector-general, to deliver to General Burnside my positive order to push forward his troops without a moment's delay, and, if necessary, to carry the bridge at the point of the bayonet, and I ordered Colonel Sacket to remain with General Burnside and see that the order was executed promptly.

"After three hours' delay the bridge was carried at 1 o'clock. * * * A halt was then made by General Burnside's advance until 3 p. m., upon hearing which I ordered one of my aids, Colonel Key, to inform General Burnside that I desired him to push forward his troops with the utmost vigor and carry the enemy's position on the heights. * * *

"If this important movement had been consummated two hours earlier, a position would have been secured upon the heights, from which our batteries would have enfiladed the greater part of the enemy's line and turned their right flank.

"Our victory might then have been much more decisive."—EDITORS.

[b] Swinton's History Army of the Potomac, p. 220.

[c] A conspicuous instance of successful attacks identical with Antietam, but in which the disadvantages were reversed, occured at Gettysburg. The failure of Lee's commanders to make simultaneous attacks on the 2d of July, permitted Meade to withdraw troops from the right to check the overwhelming forces of Longstreet.

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employed to protect the batteries in the center; but had no part of it been engaged, this reserve would have constituted less than one-sixth of his army.

Another criticism was that the commander did not renew the battle on the 18th.[a]

Had the enemy made the attack on the 17th, his silence on the morning of the 18th would have been a confession of defeat, but as he had only fought on the defensive the first day, his presence on the morning of the second—if it meant anything, meant that he was ready to renew the fight on the same terms.

On the afternoon of the 18th, General Meade, commanding Hooker's corps, submitted a field return showing that its "present for duty" was 6,729; before beginning the battle it was reported at 14,856.

This loss in but one of the three corps engaged on the right, indicated the nature of the struggle on the 17th. Official reports afterwards showed that the killed and wounded numbered 11,426.[b]

This loss in a single day exceeded by 1,809 the losses of the combined Armies of the Ohio and Tennessee in the two days' battle of Shiloh; exceeded the casualties at Fredericksburg by more than 1,000; equaled the four days' losses at Chancellorsville, and fell but 5,000 short of the total of casualties in the three days' battle at Gettysburg.[b]

In addition to caring for the wounded, replenishing ammunition, and expecting large reenforcements, General McClellan, too, has given other reasons for deferring the attack till daylight of the 19th:

> At that moment Virginia lost, Washington menaced, Maryland invaded, the national cause could afford no risks of defeat. One battle lost and almost all would have been lost. Lee's army might then have marched as it pleased on Washington, Baltimore, Philadelphia, or New York.[c]

As estimated by General Banks, from information collected from prisoners, deserters, and spies, the Confederate army at Antietam numbered 97,445 men.[d] This fact is important, as showing how easy it is for commanders to be deceived, who are not even in the presence of the enemy.

The Confederates claim that their force numbered but 40,000.[e] The Union army in action numbered 87,164.[f] Its total losses, including the missing, were 12,469.[g] The Confederate losses were 3,500 killed, 16,399 wounded; total, 19,899.[g] Their other losses during the cam-

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[a] However eager he might have been for another attack, this feeling was not shared by all of his subordinates. On the morning of the 18th, General Burnside asked him for a division to assist him in holding his position in case the enemy should attack. The division was sent from the Fifth Corps in reserve, was placed in position, when, without orders, the Ninth Corps was withdrawn across the Antietam. (McClellan's Report, p. 212.)

[b] Medical History of the War, p. lxiv.

[c] McClellan's Report, p. 211.

[d] McClellan's Report, p. 214.

[e] General Lee states, in his report of the battle: "This great battle was fought by less than 40,000 men on our side." (Frank Moore's Rebellion Record, vol. 19, pt. 1.)

An estimate of the chief clerk, office of the adjutant-general, Army of Northern Virginia, made in 1865 from memory, gives the total effective strength of the Confederates at Antietam as 41,500. (Taylor's Four Years, p. 158.)

The field return of the Army of Northern Virginia for September 22, 1862, gives present for duty, 36,187. This return appears to exclude the cavalry and artillery, and of course does not include the losses at Sharpsburg. (Campaigns of the Civil War—Antietam to Fredericksburg.)—EDITORS.

[f] McClellan's Report, p. 214.

[g] Medical and Surgical History of the War of the Rebellion, pt. 1, p. lviii.

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paign were 6,000 prisoners (mostly stragglers), 13 guns, and 39 colors.[a] This loss was again offset by the almost treasonable surrender of Harper's Ferry, with its garrison of 12,000. The only part of the garrison which escaped capitulation was 2,000 cavalry, commanded by the loyal Mississippian, Col. Benjamin F. Davis, First U. S. Cavalry. Given permission to effect his escape, he crossed the bridge at 9 p. m. of the 14th, took the road up the left bank of the Potomac, passed through the region occupied by one-half of Lee's army, captured Longstreet's ammunition train of 50 or 60 wagons, and the next morning in safety reached Greencastle, Pa.[b]

While General McClellan has been censured for not engaging the 13,000 men under the command of General Porter, justice requires that we should cast a glance at the situation around Washington. On the 10th of September, he telegraphed from Rockville that the ememy's force, as nearly as could be estimated, ranged from 80,000 to 150,000 men. September 11, he placed the estimate at 120,000, and recommended, at the risk of being considered slow and overcautious, "that every available man" be added to his army. The same day he again telegraphed—

> Please send forward all the troops you can spare from Washington, particularly Porter, Heintzelman, Sigel, and all the other old troops. * * * General Banks reports 72,500 troops in and about Washington.[c]

Two hours later the President answered—

> This is explanatory. If Porter, Heintzelman, and Sigel were sent you, it would sweep everything from the other side of the river, because the new troops have been distributed among them. As I understand, Porter reports himself 21,000 strong, which can only be by the addition of new troops. He is ordered to-night to join you as quickly as possible. I am for sending you all that can be spared, and I hope others can follow Porter very soon.[d]

At 9 p. m., General Porter's corps alone, of all the troops designated, was ordered to join the army, which was now being urged forward to fight, as was believed, the decisive battle of the war.

It is well known among soldiers that confidence on the part of a commander is indispensable to success. This confidence must result either from superior numbers or discipline, both of which could have been secured to the Army of the Potomac. The commander, as on the Peninsula, sought to place the result of the battle beyond doubt, by asking that every available man be sent forward; yet, at the critical moment when he was censured for not employing his last reserve of 13,000 men, an army stood idle at Washington aggregating present for duty 71,210; present and absent, 107,839.[a] Had 50,000 of these men been sent forward, the raw troops placed in reserve north of the Antietam, the old troops to have joined their veteran comrades in battle, it is fair to infer that little would have been heard of the Confederacy after the Maryland invasion.

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[a] McClellan's Report, p. 212.

[b] Greeley's American Conflict, vol. 2, p. 201. This gallant officer was subsequently killed at the head of his regiment, the Eighth New York Cavalry, while leading a charge at Brandy Station in 1863. McCrea, of North Carolina, killed at Valverde; Terrill, of Virginia, a brigadier-general, killed at Perryville; W. P. Saunders, of Mississippi, a brigadier-general, killed at Knoxville; and B. F. Davis, of Mississippi, a colonel, killed at the opening of the Gettysburg campaign, form a quartette who, no less than the heroic Thomas, deserve a monument to commemorate their loyalty and steadfast devotion to the Union.

[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 481.

[d] Ibid., p. 492.

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FINAL REMOVAL OF GENERAL McCLELLAN FROM COMMAND.

The restoration of General McClellan to command gave him another opportunity to make himself the hero of the war.

He was no longer called upon to organize a mob, "cowering on the banks of the Potomac," but found himself, beloved by his troops, at the head of a large and well-disciplined army.

In the next three weeks he gained three victories and put an end to all fear of invasion. But unfortunately a spirit of inaction now came over him. The ravages of the battle had been great, and he needed time to repair them; his army had again to be supplied with shoes, ammunition, and clothing; horses, too, were needed for the artillery and cavalry; the old regiments, as a rule, were reduced to a skeleton. But while this was the condition of the Union army, the condition of the Confederates was worse.

On the 1st of October, the President visited and inspected the army, and on the 6th, General Halleck telegraphed as follows:

I am instructed to telegraph you as follows: The President directs that you cross the Potomac and give battle to the enemy, or drive him south. Your army must move now, while the roads are good. If you cross the river between the enemy and Washington, and cover the latter by your operations, you can be reenforced with 30,000 men. If you move up the valley of the Shenandoah, not more than 12,000 or 15,000 can be sent to you. The President advises the interior line between Washington and the enemy, but does not order it. He is very desirous that your army move as soon as possible. * * * I am directed to add that the Secretary of War and the General in Chief fully concur with the President in these instructions.[a]

No movement being made on account of a deficiency of supplies which it was supposed could be procured in a few days, the President on the 13th wrote:

You remember my speaking to you of what I called your overcautiousness. Are you not overcautious when you assume that you cannot do what the enemy is constantly doing? Should you not claim to be at least his equal in prowess and act upon the claim? As I understand, you telegraphed General Halleck that you cannot subsist your army at Winchester unless the railroad from Harper's Ferry to that point be put in working order. But the enemy does now subsist his army at Winchester, at a distance nearly twice as great from railroad transportation as you would have to do, without the railroad last named. He now wagons from Culpeper Court-House, which is just about twice as far as you would have to do from Harper's Ferry. He is certainly not more than half as well provided with wagons as you are. I certainly should be pleased for you to have the advantage of the railroad from Harper's Ferry to Winchester; but it wastes all the remainder of autumn to give it to you, and, in fact, ignores the question of time, which cannot and must not be ignored.

Again, one of the standard maxims of war, as you know, is "to operate upon the enemy's communications as much as possible without exposing your own." You seem to act as if this applies against you, but cannot apply in your favor. Change positions with the enemy, and think you not he would break your communication with Richmond within the next twenty-four hours? You dread his going into Pennsylvania. But if he does so in full force, he gives up his communications to you absolutely, and you have nothing to do but to follow and ruin him; if he does so with less than full force, fall upon and beat what is left behind all the easier.

Exclusive of the water line, you are now nearer Richmond than the enemy is by the route that you can and he must take. Why can you not reach there before him, unless you admit that he is more than your equal on the march? His route is the arc of a circle, while yours is the chord. The roads are as good on yours as on his.

You know I desired, but did not order, you to cross the Potomac below, instead of above, the Shenandoah and Blue Ridge. My idea was, that this would at once menace the enemy's communications, which I would seize if he would permit. If he should move northward, I would follow him closely, holding his communications. If he should prevent our seizing his communications, and move toward

[a] McClellan's Report, p. 219.

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Richmond, I would press closely to him, fight him if a favorable opportunity should present, and at least try to beat him to Richmond on the inside track. I say "try;" if we never try we shall never succeed. If he make a stand at Winchester, moving neither north nor south, I would fight him there, on the idea that if we cannot beat him when he bears the wastage of coming to us, we never can when we bear the wastage of going to him. This proposition is a simple truth, and is too important to be lost sight of for a moment. In coming to us he tenders us an advantage which we should not waive. We should not so operate as to merely drive him away. As we must beat him somewhere, or fail finally, we can do it, if at all, easier near to us than far away. If we cannot beat the enemy where he now is, we never can, he again being within the entrenchments of Richmond. Recurring to the idea of going to Richmond on the inside track, the facility of supplying from the side away from the enemy is remarkable, as it were, by the different spokes of a wheel, extending from the hub toward the rim, and this whether you move directly by the chord, or on the inside arc, hugging the Blue Ridge more closely.

The chord line, as you see, carries you by Aldie, Haymarket, and Fredericksburg, and you see how turnpikes, railroads, and finally the Potomac by Aquia Creek, meet you at all points from Washington. The same, only the lines lengthened a little, if you press closer to the Blue Ridge part of the way. The gaps through the Blue Ridge I understand to be about the following distances from Harper's Ferry, to wit; Vestals, 5 miles; Gregorys, 13; Snickers, 18; Ashbys, 28; Manassas, 38; Chester, 45; and Thorntons, 53. I should think it preferable to take the route nearest the enemy, disabling him to make an important move without your knowledge, and compelling him to keep his forces together for dread of you. The gaps would enable you to attack if you should wish. For a great part of the way, you would be practically between the enemy and both Washington and Richmond, enabling us to spare you the greatest number of troops from here. When, at length, running for Richmond ahead of him enables him to move this way, if he does so, turn and attack him in the rear. But I think he should be engaged long before such point is reached. It is all easy if our troops march as well as the enemy, and it is unmanly to say they cannot do it. This letter is in no sense an order. [a]

It was unfortunate for the country that this letter, so earnest and full of wisdom, was not received as an order; but the commander still turned his attention to the wants of his army. It cannot be denied that the supplies asked for were needed. The new troops were suffering from the lack of clothing and tents.

The One Hundred and Twenty-First New York, within a month after it joined the Sixth Corps, had 200 men in hospital and on the sick report. By moving, the health of the command would have improved, while by sending the supplies to Warrenton and Manassas on the lines indicated by the President, two weeks, if not a month's, time might have been gained.

Although during the Revolution, Washington repeatedly ascribed the salvation of our cause to the interposition of Providence; nevertheless, as an eye-witness of grave errors which almost daily demanded such interposition, he did not cease in his correspondence to remonstrate with Congress.

Since the Rebellion, with a fatuity pregnant with future disaster, we have settled down to the conviction that our total neglect of military preparation, our defeats, our sacrifices in blood and treasure, were the predestined features of a war protracted through four long years, in order that the minds of the people might be prepared for the extinction of slavery. These views, so comforting now, were not held during the war.

Upon the President more than any other person, rested the burden of the war. Each week, each day the struggle continued, he could see the vestments of mourning increasing in the land. Death did not come alone in the hospital and the field. The sentences by military

[a] Raymond's President Lincoln's Administration, pp. 281, 282.

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tribunals brought weekly to his feet the mother pleading for the life of her son, the wife for her husband, the child for its father. Politicians on both sides may be accused of a desire to protract the war, but the breath of slander can never reach the great President. He did not care what soldiers might win the final victory, all he wanted was peace.

On the 21st of October, General McClellan telegraphed:

Since the receipt of the President's order to move on the enemy, I have been making every exertion to get this army supplied with clothing absolutely necessary for marching. This, I am happy to say, is now nearly accomplished. I have also, during the same time, repeatedly urged upon you the importance of supplying cavalry and artillery horses, to replace those broken down by hard service, and steps have been taken to insure a prompt delivery. * * *

Under the foregoing circumstances, I beg leave to ask whether the President desires me to march on the enemy at once, or to await the reception of the new horses, every possible step having been taken to insure their prompt arrival.[a]

General Halleck the same day replied:

Your telegram of 12 m. has been submitted to the President. He directs me to say that he has no change to make in his order of the 6th instant. If you have not been and are not now in condition to obey it, you will be able to show such want of ability. The President does not expect impossibilities, but he is very anxious that all this good weather should not be wasted in inactivity. Telegraph when you will move and on what lines you propose to march.[b]

Construing this telegram to mean that it was left to his "judgment to decide whether or not it was possible to move with safety at that time," he telegraphed to the President on the 27th:

Your Excellency is aware of the very great reduction of numbers that has taken place in most of the old regiments of this command, and how necessary it is to fill up these skeletons before taking them again into action. I have the honor, therefore, to request that the order to fill up the old regiments with drafted men may at once be issued.[c]

The same day the President replied:

Your despatch of 3 p. m. to-day in regard to filling up old regiments with drafted men is received, and the request therein shall be complied with as far as practicable. And now I ask a distinct answer to the question: "Is it your purpose not to go into action again till the men now being drafted in the States are incorporated in the old regiments?"[d]

On leaving Maryland there were two lines of operations for advancing into Virginia, both of which had now become beaten tracks. The first was up the Shenandoah; the other was East of the Blue Ridge, toward the Orange and Alexandria Railroad. In case he chose the first line, he could have from 12,000 to 15,000 reenforcements; if he took the inner line this number would be increased to 30,000.

Comparing this latter number with the aggregate of 71,000 for duty in front of Washington, on the 20th of September, it will be observed that the civil authorities had renounced the error that lay at the root of their original opposition to the Peninsula campaign. Recent events had taught them that an army might advance via the Orange and Alexandria Railroad, and yet not cover the capital. Under no circumstances would it be wise to again permit every man to leave the defenses. They were therefore compelled to adopt the recommendation which General McClellan made in the beginning, viz, to make the capital safe it needed

[a] McClellan's Report, pp. 228, 229.
[b] McClellan's Report, p. 229.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 551, 552.
[d] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 552.

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a special garrison of not less than 20,000 men, independent of any army that might be operating in its front. This was the size of the garrison he indicated in his letter of April 1, which, with the covering force extending from Manassas to the Shenandoah, numbered 73,000 men.

Now that the whole Army of the Potomac was in condition to play the part of a covering force, a garrison from 20,000 to 30,000 men at last gave the Government what it so long aimed at, a sense of security. The means it adopted, however, operated upon the Confederates in the same manner. Their capital was made secure for the further term of three years. It was General McClellan's first design to adopt the line of the Shenandoah, but as a retreat of the Confederates would compel the army to cross the Blue Ridge, he abandoned this plan in favor of the other.

At last, on the 25th of October, a bridge was laid at Berlin, below Harper's Ferry, and by the 2d of November the whole Army was again south of the Potomac. But its movements by no means responded to the expectations of the President. Six weeks had elapsed since the battle of Antietam. After crossing the river there was no enemy in front, yet on the 7th of November, eleven days after the cavalry had crossed, its advanced pickets were on the Hazel River, but 50 miles from the Potomac.

Arithmetic now was less deceptive, than in determining the blame for the surrender of Harper's Ferry. There were several parallel roads favorable for the movement of troops, while the right flank was protected by the line of the Blue Ridge. The Ninth Corps, which crossed on the 26th of October, did not reach Waterloo till eleven days thereafter—a distance of 50 miles. The Sixth Corps, which crossed on the 2d of November, reached New Baltimore on the 9th, a distance of 40 miles. It is not at all probable, however, that these distances were taken into account. The golden days of autumn were nearly over. The correspondence subsequent to Antietam showed that the commander of the Army of the Potomac was neither in harmony with the President nor the General in Chief. Worse than all, his personal enemies accused him of protracting the war in furtherance, not of the plans of the Confederates, but in the interest of their political allies, who were openly hostile if not dangerous to the Government.

APPOINTMENT OF GENERAL BURNSIDE TO COMMAND.

There was but one way out of the situation. The Secretary of War had withdrawn from active interference in matters of command. There were still two months of good weather in prospect. The enemy might yet be struck a fatal blow, but it must be done under a new commander. Such were the arguments which led the President, on the 5th of November, to issue the following order:

By direction of the President of the United States, it is ordered that Major-General McClellan be relieved from the command of the Army of the Potomac, and that Major-General Burnside take the command of that army.[a]

The General in Chief wrote him at the same time:

On the receipt of the order of the President, sent herewith, you will immediately turn over your command to Major-General Burnside, and repair to Trenton, N. J., reporting on your arrival at that place, by telegraph, for further orders.[a]

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 565.

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The manliness of the President's order, as compared with the communication which effected McClellan's removal on the 30th of August without any apparent authority, will not escape observation. The General made no complaint, but turning over the command to his successor, bade adieu to the army, and at once repaired to the point designated by the General in Chief. Whatever mistakes the constitutional Commander in Chief may have committed in his relations with his military subordinate, the latter always had reason to feel that the President was his friend. In his official report, dated August 4, 1863, General McClellan expressed his gratitude, and explained his misfortune in the following language:

> I cannot omit the expression of my thanks to the President for the constant evidence given me of his sincere personal regard, and his desire to sustain the military plans which my judgment led me to urge for adoption and execution. I cannot attribute his failure to adopt some of those plans, and to give that support to others which was necessary to their success, to any want of confidence in me; and it only remains for me to regret that other counsels came between the constitutional Commander in Chief, and the General whom he had placed at the head of his armies—counsels which resulted in the failure of great campaigns. If the nation possesses no generals in service competent to direct its military affairs without the aid or supervision of politicians, the sooner it finds them and places them in position, the better it will be for its fortunes.[a]

The consequences of General McClellan's political sentiments involved several of his friends. Treason was charged at the Second Battle of Bull Run. Gen. Fitz John Porter was relieved from his command, put on trial for disobedience of orders, and on the 21st of January, was cashiered and forever disqualified from holding any office of profit or trust under the Government of the United States.[b] In the meantime, the Administration was made to see that delays might occur in spite of a change of commanders. The army, under General Burnside, moved from Warrenton to Falmouth, but when it arrived there the pontoons which were to have been sent down from Washington were a week behind time. This gave the enemy the opportunity to select his own position. On the 12th of December, the army crossed the Rappahannock, deployed in the amphitheater formed by the fortified heights of Fredericksburg, and on the 13th was hurled by General Burnside against Marye's Heights, defended by a double tier of guns on the top[c] and musketry at the base, and was repulsed with the loss of 10,108 killed and wounded.

The depression which settled over the army after this needless butchery is not easily described. The officers and men, patriots who had enlisted to save the Union, saw that they were shedding their blood to but little or no purpose. Desertions increased to the startling proportion of nearly two hundred per day. As was the case during the

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[a] McClellan's Report, p. 239.

[b] General Porter was cashiered January 21, 1863; he was re-appointed a colonel of infantry August 5, 1886, to rank from May 14, 1861, by an act of Congress approved July 1, 1886; he died May 21, 1901.—EDITORS.

[c] It is stated in Henderson's Campaign of Fredericksburg, that the Confederates had 250 pieces of artillery, about 100 of which were held in reserve by General Lee. On Marye's Heights were 9 guns of the Louisiana Washington Artillery in gun pits. To the left of the road was Maurin's battery of 4 guns, with 6 guns in support in the depression behind the right shoulder of Marye's Hill. This made at least 19 pieces of artillery on Marye's Heights. In addition, there were 21 guns in position on Lees Hill, with 17 smooth bores in reserve, and 34 guns guarding the Confederate left flank.—EDITORS.

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Revolution, an alarming increase of resignations testified to the dissatisfaction among officers. Although the bonds of discipline still held sway, a total want of confidence existed. Before being placed in command of the Army of the Potomac, General Burnside had repeatedly informed the President and Secretary of War that he did not feel qualified for the position, an opinion which the battlefield at Antietam had sufficiently corroborated. Six days after the assault at Fredericksburg, December 19, 1862, he testified before the Joint Committee on the Conduct of the War, that when two of his staff officers urged him to accept the command, saying that he had no right as a soldier to disobey the order, he replied:

* * * I told them what my views were with reference to my ability to exercise such a command, which views were those I had always unreservedly expressed, that I was not competent to command such a large army as this; I had said the same over and over again to the President and Secretary of War.

In this state of affairs, when all that the Army needed was a leader, its commander again resolved to cross the Rappahannock.

At the beginning of the war, Mr. Lincoln, in explaining his assumption of dictatorial powers, convinced the country that in the absence of military preparation, there might be times when the spirit of the Constitution could not be preserved except by violating its letter. And so it sometimes happens with military law. A crisis had come when the literal observance of a rule of discipline might have destroyed the army and ruined the country. To prevent such a calamity two officers, Generals Newton and Cochrane, one of the Regular and the other of the Volunteer Army, resolved to visit Washington and give persons of influence there exact information as to the state of the army. The Joint Committee on the Conduct of the War was regarded as the back door of the War Department, open to anyone who could give military information of importance.

General Cochrane first sought some of its members, but finding them absent from Washington during the holiday recess, he and General Newton went directly to the President in person. General Newton, as the officer of most military experience, acted as the spokesman. Fully aware that it was a military offense to criticise or decry his superior, he has described the interview in his testimony before the committee:[a]

I also found myself in a very delicate position in the conversation. I did not wish to tell the President, and I did not tell him at any one time, that the troops had no confidence in General Burnside. I could not tell him that, although, so far as I was concerned, it was my firm belief. But that was a most delicate thing for me to say, and therefore I had to go, as it were, around it indirectly, and that made the conversation very desultory, and there were a great many things said not necessary to the point in question. * * *

I disclaimed to the President any intention to interfere with the military authorities in any way. I considered it my duty, if I was true to my country, to let somebody in authority know what were my convictions of the state of the army; for I felt that if that army should be again defeated at that point, or anywhere along the Rappahannock, it would not be a mere defeat, as before, but it would be a destruction. I felt that the very existence of the country was at stake, and that was the only motive I had in doing as I did.[b]

The statements made by General Newton were confirmed by General Cochrane.

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 731.
[b] Report of Joint Committee on the Conduct of the War, vol. 1, pp. 731, 732.

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The interview produced immediate results. Without consulting the General in Chief, the President immediately telegraphed to General Burnside:

I have good reason for saying that you must not make a general movement without letting me know of it.[a]

On the receipt of this despatch, the cavalry force which was to have made a raid across all the rivers of Virginia, finally coming out at Suffolk, was recalled, and the order for the general movement was suspended. Puzzled at the interference, General Burnside proceeded to Washington, and learning that some general officers had visited the President, he asked for their names, but Mr. Lincoln declined to disclose them.

Those who would shield free institutions from the dangers of civil war, cannot afford to blink at the history of this period. No commander in the East had thus far been a free agent. The perplexity of General Winder, when, amid the undisciplined levies of the War of 1812, he found himself surrounded by the President, the Secretary of State, and the Secretary of War, all of whom tendered their advice or busied themselves in giving orders, was not greater than that which enveloped General Burnside. He had not, during his brief visit to the capital, been called before the Joint Committee on the Conduct of the War. He had not disclosed his plans while absent from his command, except to the President, General Halleck, and the Secretary of War, and yet when he returned to his camp he learned that the details of his intended cavalry movement were known in Washington, to those who openly sympathized with the enemy; yet, when it came to the adoption of a third plan for crossing the Rappahannock, he could get no encouragement from any source.

He desired—

distinct authority from General Halleck, or some one else in power here in Washington, to make a move across the river.[b]

The reply from the President was in the way of a caution—

to run no great risk which might result in the defeat and the destruction of the Army of the Potomac.[c]

General Halleck, military adviser of the President and Secretary of War, answered—

in general terms to the effect that I knew very well that he had always favored a forward movement of the Army, but that he could not take the responsibility of giving any directions as to when or how it should be made. He then laid down some general military rules that ought to govern an army. That letter was favorably indorsed by the President.[d]

The fact was, that while everybody in Washington desired a forward movement, they knew too much about the depressed condition of the army to issue any order or give any instructions which might end in disaster. As to the support in the field, General Burnside told the Joint Committee on the Conduct of the War—

that there was hardly a single general officer occupying a prominent position in my command who would favor a move of that kind.[c]

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 731, 732.
[b] Ibid., p. 717.
[c] Ibid., p. 718.
[d] Ibid., p. 719.

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Notwithstanding the lukewarmness in Washington, the opposition of his generals, and the total want of confidence on the part of officers and men, the commander determined on another crossing, and on the 19th of January, gave orders for the movement to begin. Providentially, as was believed in the army, the move terminated in the fiasco known as the "mud march," after which the troops returned to their camps.

If, in the hours of disaster, Napoleon with all his genius could not suppress the croaking of his marshals, it ought not to surprise us that discontent again manifested itself in the Army of the Potomac.

That which the two generals concealed from the President was now talked openly among officers. The army had no confidence in its commander, but unfortunately the latter refused to accept the verdict. On his visit to the President he expressed the opinion, which was concurred in by the General in Chief, that the two presidential informers ought to have been dismissed from the service. As a commentary on the management of the war, the Senate did not seem inclined to trust the constitutional Commander in Chief in dealing with the alleged breach of discipline.

On the 26th of January, 1863, it—

Resolved that the Joint Committee on the Conduct of the War be instructed to inquire whether Maj. Gen. A. E. Burnside has, since the battle of Fredericksburg, formed any plans for the movement of the Army of the Potomac or any portion of the same; and if so, whether any subordinate generals of said army have written to or visited Washington, to oppose or interfere with the execution of such movements, and whether such proposed movements have been arrested or interfered with, and if so, by what authority.[a]

The committee which had so often furnished valuable information to the enemy by laying bare official secrets was not long in getting at the fact. On the 9th of February, General Cochrane, as cautious as General Newton in not saying that the whole trouble lay in the lack of confidence in the commander, testified:

* * * The facts mentioned to the President were that I had at various times heard soldiers frequently express their decided opinion that the army could not cross the Rappahannock in the presence of the obstacles prepared by the rebels, and that it was a dangerous folly to undertake it; that they knew they could not succeed; that when any such effort should be made the soldiers would be oppressed with a sense of insecurity which I thought, especially as they were a volunteer army, would deprive them of a great portion of their vigor; that I was pained to say there was evidence to my mind of a relaxation of interest among the soldiers since the crossing at Fredericksburg, in the campaign of the Rappahannock, and a want of confidence in its success. That the evidence to my mind of the fact consisted in the alarming increase of desertions among the men and the unusual accumulation of resignations of officers.[b]

Hurt that his Congressional inquisitors should have construed his conduct either as unpatriotic or insubordinate, the next day he added with as much truth as sarcasm:

I desire to add that while I knew of no plan and interfered with none, yet if I had known any, I think it would have been little less than treasonable to have concealed or repressed, or to have neglected to communicate to the highest authority having cognizance thereof, any fact or facts, within my knowledge, which obviously and necessarily would have frustrated the plan and have involved the army attempting its execution and our cause in irretrievable and a common ruin. The geese sadly interfered with the plans of the Roman sentinels for a comfortable night's repose, when they made known, by their alarm, that the Goths were within the cit-

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 57.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 744.

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adel; yet I have never heard that even the geese were censured or reprimanded; but on the contrary, I supposed they ever after have been held in esteem, and luxuriously entertained by the Roman people.[a]

The utter disregard which the committee showed for the secrets of military commanders was illustrated three days before, when General Burnside was summoned to explain the failure of the "mud march." The record of February 7, 1863, stated:

The witness here stated that if he proceeded with his statement, he would be obliged to state some things which, if made public, would do harm, and he did not desire to do anything that would be of injury to the service. The chairman informed the witness that the committee desired a full and clear statement of everything connected with the subject, but they would not make public anything they should consider calculated to do harm.

The witness then continued:

But a very serious objection to attempting the crossing after this occurred, was the almost universal feeling among the general officers that the crossing could not be made there. Some of them gave vent to these opinions in a very public manner, even in the presence of my own staff officers, who informed me of the fact.[b]

Had General Burnside known exactly what Newton and Cochrane had told the President, it is possible that he would not have proceeded to extreme measures, but resolving to suppress any tendency to insubordination he prepared, and, but for the prudence of a staff officer, would have published to the army, General Orders No. 8, dismissing from the service Generals Hooker, Brooks, Cochrane, and Newton, and relieving from their commands Generals Franklin, Sturgis, and Ferrero. The wise counsels of a faithful adviser having prevailed, General Burnside went to Washington and demanded of the President that he should approve his order or accept his resignation. Above the confusion and turmoil of the times, the spirit of the President again rose supreme. He did not act in haste, but taking time to advise and reflect, he relieved General Burnside, and for the third commander of the Army of the Potomac selected General Hooker, who was named first in the order of dismissal. The same order that appointed General Hooker, relieved General Franklin, the commander of the left grand division, who, in unison with General Smith, had recommended on the 21st of the preceding December, that the Army should again be transferred to the Peninsula.

No one who knew, or served in the Army of the Potomac, will doubt for an instant that it would have yielded implicit obedience to General Orders, No. 8, had the President been pleased to approve it, yet the order relieving General Burnside shows that the situation, either from a political or military point of view, was regarded at Washington as sufficiently critical to justify a resort to deception.

While General Burnside was conversing with the President, after the latter had refused to accept his resignation, the General in Chief and Secretary of War entered, and advised that he take a leave of absence. He replied that he would apply for thirty days, and then went to the War Department, where, in his own language, he—

found an order there relieving me from the command of the Army of the Potomac, at my own request. I said to General Halleck that that was not a just order; that I did not want to appear before the country as a man who voluntarily gave up his command without some reason; that I certainly wanted to have the reputation of remaining as long as it was found advisable for me to remain. I had not made myself the

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 745.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 719.

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judge of that matter, as the committee will see from what I have stated. I then said to General Halleck, "You must take my resignation." He said: "The Secretary of War has made this order, and I cannot change it." I replied: "You can go to the Secretary of War and say to him that this order does not express the facts of the case." I then went to the Secretary of War, and told him that I had preferred to resign, under the circumstances, and the issuing of this order confirmed me in that preference. He talked to me about the injury to the cause, and the injury to myself; I replied: "I don't care a snap about myself, for I feel that I am right, but I do not want to injure the cause." We had quite a talk upon the subject. Both he and General Halleck talked very kindly to me.[a]

With a patriotism that will ever commend him to the charity of history, he finally told them—

Issue just what order you please; I will go off on my thirty days' leave of absence, and then come back and go wherever you say, even to command my old corps (the Ninth Corps) under General Hooker, if you desire, and I would do it.

APPOINTMENT OF GENERAL HOOKER TO COMMAND.

On the 26th of January, 1863, the day after General Hooker was assigned to the command of the Army of the Potomac, the President addressed to him the following remarkable letter:[b]

EXECUTIVE MANSION,
Washington, D. C., January 26, 1863.

Major-General HOOKER.

GENERAL: I have placed you at the head of the Army of the Potomac. Of course I have done this upon what appears to me to be sufficient reasons, and yet I think it best for you to know that there are some things in regard to which I am not satisfied with you. I believe you to be a brave and skillful soldier, which of course I like. I also believe you to not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable if not an indispensable quality. You are ambitious, which, within reasonable bounds, does good rather than harm; but I think that during General Burnside's command of the army you have taken counsel of your ambition and thwarted him as much as you could, in which you did a great wrong to the country and to a most meritorious and honorable brother officer. I have heard, in such a way as to believe it, of your recently saying that both the Army and the Government needed a dictator. Of course it was not for this, but in spite of it, that I have given you the command. Only those generals who gain success can set up dictators. What I now ask of you is military success, and I will risk the dictatorship. The Government will support you to the utmost of its ability, which is neither more nor less than it has done and will do for all commanders. I much fear the spirit which you have aided to infuse into the army, of criticising their commander and withholding confidence from him, will now turn upon you. I shall assist you as far as I can to put it down. Neither you, nor Napoleon if he were alive again, could get any good out of an army while such a spirit prevails in it. And now beware of rashness. Beware of rashness, but with energy and sleepless vigilance go forward and give us victories.

Yours, very truly,

A. LINCOLN.

Marvelous as was this production, it contained statements which should not escape our attention. The relief of General McClellan had put an end to the differences in politics between the Administration and military commanders, but the advice—

Do not mix politics with the military profession—

was nevertheless wise. Like all great truths compressed in a sentence, it should be the maxim of every republican soldier.

The President was hardly in the right when he said that—

Only those generals who gain success can set up dictators.

There should be no fear of a dictator in times of military success.

[a] Report of the Joint Committee on the Conduct of the War, vol. 1, pp. 721, 722.
[b] Frank Moore's Rebellion Record, vol. 14, p. 737.

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As armies are engendered by war, so are dictators born of disaster. The defeat on Long Island, the capture of Fort Washington, the flight of the army across New Jersey, the almost total dissolution of the army at the moment the British drew near the Delaware, were the disasters which induced not the General, but Congress, to set up Washington as a dictator. It was the defeat at the Brandywine, the second approach of the British to the capital, and not a success, which prompted Congress a second time to invoke the protection of the Father of his Country.

If we had a dictator twice during the Revolution, if Mr. Lincoln practically assumed the same office when, at the beginning of the Rebellion he raised and supported armies, let us not stultify ourselves by talking of the danger of an army, but rather reflect that the lack of one may at any time, in the space of less than two years, bring upon us even graver disasters than Long Island or Brandywine, or the two Bull Runs.

In settling the controversy which was brought to a close by the President's letter, history will be just. Tracing nearly all of our sacrifices to the want of a military system in 1861, and the abortive strategy of the War Department in 1862, it will lay down the axiom—

That a nation which goes to war unprepared, educates its statesmen at more expense than its soldiers.

The attempt to dispense with a General in Chief after our armies had become disciplined and ready for battle, the detachment of McDowell, the establishment of the Departments of the Rappahannock and Shenandoah, the creation of the Army of Virginia, and the withdrawal of the Army of the Potomac from the Peninsula will be recognized as the dominating causes of a four years' war, the blame for which it will not place upon an individual, but upon a system which, in every war since the adoption of the Constitution, has permitted a civil officer below the President, to override military commanders and bring to naught their wisdom and counsels.

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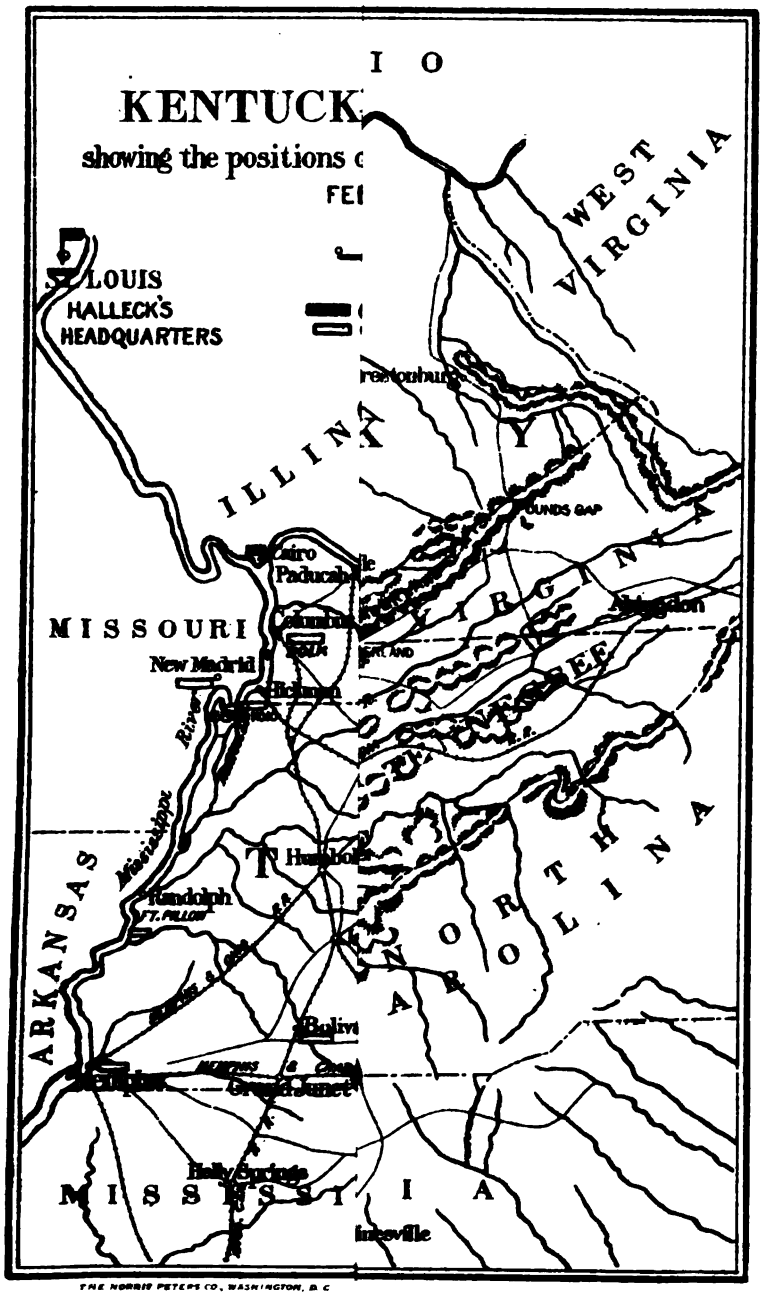

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CHAPTER XXVI.

REVIEW OF MILITARY OPERATIONS IN THE WEST, FROM THE BATTLE OF SHILOH TO THE BATTLE OF CORINTH.

In every country save our own, the inability of unprofessional men to command armies would be accepted as a self-evident proposition. Lest, however, the future Presidents and Secretaries of War may be tempted to commit the same blunders as their predecessors, let us glance briefly at the conduct of military operations in the West—first, during the fatal three months when there was no General in Chief, and lastly, till the close of the year.

In this great theater military commanders possessed the lucky advantage of being remote from the capital. None of them were accused of political aspirations. The Joint Committee on the Conduct of the War declined to investigate their campaigns. It reported as late as April 6, 1863, that all the causes for the protraction of the war could be charged to the misconduct of the Army of the Potomac.[a]

Military scapegoats might serve to divert public opinion from the real causes of disaster East of the Alleghenies, but in the West, free from political entanglements, nearly every reverse can be traced directly to a bad system.

It will be remembered that by the order of March 11, 1862, removing or deposing the General in Chief, all the territory west of Knoxville was constituted the Department of the Mississippi, under the command of Major-General Halleck.

The wisdom of this part of the order was instantly demonstrated. On the 6th of April, the Armies of the Tennessee and Ohio, under Generals Grant and Buell, effected a junction on the battlefield of Shiloh. The next day they completed the defeat of the enemy and drove him back upon Corinth. The Army of the Mississippi under General Pope, after its success at Island No. 10, was now wisely arrested in its triumphal march down the Mississippi and ordered to join the other two near Shiloh. Other troops were called from Arkansas and Missouri. The masterly concentration of 100,000 men having been effected, operations under the department commander were begun against Corinth, but the enemy saw that the odds were too great. Too slowly approached, he was permitted to decline the battle, and, abandoning the entrenchments on the 31st of May, he fled to central Mississippi. New Orleans had already been captured by the Navy. The army felt invincible. A demoralized enemy halted at Tupello and invited an attack. Officers high in rank had little doubt of the next order. Before them were two lines of railway leading to Vicksburg and

[a] This reference, contained in the report of the Joint Committee on the Conduct of the War presented to Congress April 6, 1863, has already been quoted (pp. 330–331).—EDITORS.

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Mobile. A march to either point would open the Mississippi Valley, sever the Confederacy in twain, and restore the supremacy of the Union over more than half the territory in rebellion.

But unfortunately, when these results were within easy reach, the policy of concentration was abandoned.

From the beginning of the war, an expedition to relieve the loyal people of East Tennessee, had been a favorite plan with the President. Such an expedition, having also in view the seizure of the Memphis and Charleston Railroad, was recommended by General McClellan in the memorandum to the President, dated August 4, 1861, the movement to be made through Kentucky, as soon as the loyalty of the State was assured. Nearly a year later—June 5, 1862—on learning of the evacuation of Corinth, he telegraphed to the President:

> May I again invite Your Excellency's attention to the great importance of occupying Chattanooga and Dalton by our western forces? The evacuation of Corinth would appear to render this very easy. The importance of this move and force cannot be exaggerated.[a]

This plan, however, appears to have been anticipated by General Halleck. June 7, in a despatch replying to one of the President, dated the day previous, he stated:

> Preparations for Chattanooga made five days ago, and troops moved in that direction. Mitchel's foolish destruction of bridges embarrassed me very much, but I am working night and day to remedy this error, and will very soon reenforce him.[b]

With the movement of these troops began the disintegration of the great army at Corinth.

Valueless, as compared with the opening of the Mississippi, the mountain region of East Tennessee soon became as fatal to military unity in the West, as the Shenandoah Valley had already been in the East. The commander who had so happily illustrated the utility of concentration, was now the most false to his own principles. Had he decided to concentrate his whole army at Chattanooga with a view to push resolutely upon Atlanta and thence to the sea, he might have left to the Navy the conquest of the Mississippi, while reserving to himself the grand movement which two years later proved the death-blow to the Rebellion.[c]

But now the policy of aggression gave place to one of occupation. Ground had been gained, the mere retention of which the commander subsequently alleged was more important than the possession of three Richmonds. Nothing was to be given up. The central movement into the heart of Mississippi was relinquished, and, instead of achieving an immediate and decisive victory, the commander broke the grand army and sent it to the two extremes of his department.

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[a] Scott's Despatches, p. 7.

[b] Scott's Despatches, p. 8.

[c] As developed in his letter of February 3, 1862, to the President, General McClellan's plan of campaign was to move with all of the Army of the Potomac via the Peninsula upon Richmond, thence upon Raleigh, through the seaboard States to Georgia; Buell in the meanwhile was to advance with the Army of the Ohio to East Tennessee and North Alabama. The next movement was "to advance our center into South Carolina and Georgia; to push Buell either toward Montgomery or to unite with the main army in Georgia."

Halleck at the same time was to be thrown forward to meet the naval expedition from New Orleans.

The plan, of course, depended on striking in Virginia with the Army of the Potomac entire.—McClellan's Report, p. 47.

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After explaining that the army had retreated to Okolona, destroying the roads and burning the bridges, he telegraphed, June 9, to the Secretary of War:

* * * I do not purpose to pursue him any farther, but to send all the forces not required to hold the Memphis and Charleston Railroad to the relief of Curtis in Arkansas, and to East Tennessee, if this plan meets the approval of the War Department. [a]

The same day the Secretary, without quoting the President, replied:

Your despatch of this date has just been received and your proposed plan of operations is cordially approved. I suppose you contemplate the occupation of Vicksburg and clearing out the Mississippi to New Orleans. If it should in any contingency become necessary, can you lend a hand to Butler? [b]

In carrying out his new plans, which also embraced the holding of the Memphis and Charleston Railroad from Memphis to Chattanooga, a distance of 310 miles, General Halleck again telegraphed the Secretary, on the 9th of June, that General Buell with four divisions had been directed to move westward to effect a junction with General Mitchell; that the destruction of the railroad and the bridges would make his movements slow, and that to supply him would require nearly all the transportation of the army. He also added: "It is absolutely necessary to reenforce Curtis."

Had there been a General in Chief in Washington responsible for the success of military operations, it is probable that this fatal dispersion might have been avoided, but as things were then managed the commander in his signal error had the fortune to please both the President and the Secretary of War. The former urged him to seize East Tennessee, while the latter cordially approved the sending of troops west of the Mississippi.

The civilian method of conducting military operations is graphically revealed in another despatch of June 9.

Ignoring the department commander, as was so often done in the War of 1812, the Secretary telegraphed direct to General Buell:

By General Order of yesterday's date, the Department of the Mississippi was extended over the whole of the States of Kentucky and Tennessee. This territory, I suppose, falls in your district of that Department. [c] * * *

This despatch next stated the relations or disposition of the War Department toward military commanders; confessed its amenability to political influence, and explained to the wrong person the irregularity of creating one military district within another, without consulting or notifying the department commander. The despatch continued:

* * * It is the disposition of this Department to leave all military operations to the commanding general. At the urgent entreaties of the Kentucky delegation, who represented the State to be in danger, General Boyle was authorized to raise forces in Kentucky and command them under the impression that you were so remote and so fully occupied that you were unable to give attention to their condition. [c] * * *

Not to dwell on the confusion and extravagance of such a system, the despatch next showed the independence and irresponsibility of generals, who, supported by political influence, were encouraged to telegraph to the Secretary of War without the knowledge of their military superiors.

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[a] Scott's Despatches, pp. 9, 10.
[b] Scott's Despatches, p. 15.
[c] Scott's Despatches, p. 17.

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After stating that much alarm and insecurity continued to be manifested in Kentucky, and also Tennessee, the Secretary added:

* * * General Boyle on his own authority has been ordering troops from Ohio, Indiana, and Illinois for Nashville, at the instance, he says, of General Dumont. General Morgan has also been telegraphing daily about the greatly superior forces of the enemy threatening him, although at his request he was also authorized to raise recruits. We have no knowledge of his strength. Under these circumstances I would be glad to hear from you your opinion of the actual state of affairs and the condition and strength of the forces in Kentucky and Tennessee.[a] * * *

As all the territory in which General Boyle was operating, had belonged to the Department of the Mississippi since the 11th of March, the duty of regulating affairs in Kentucky and Tennessee, all of which States had been added to the department, manifestly devolved upon General Halleck, but the despatch set him completely aside.

Addressed to his subordinate, the despatch concluded:

* * * You are at liberty to intrust the command in both States to whomsoever you may deem best qualified to meet the present emergencies. The President is anxious to have speedily some definite information from you on these subjects.[b]

The fatal three months were now drawing to a close.

It will be remembered that from the moment the President consented to reduce the Army of the Potomac, till its commander was finally relieved, the latter never proved false to the principle of military concentration. His enemies accused him of making a war of positions, but seeing further than them all, he designated what four years of war finally proved, that Richmond was the head and heart of the Rebellion. He knew that to take it—whether North of the James River or, as indicated in his despatches, South of the Appomattox—involved the overthrow of the main Confederate army. To defend it as their political capital, he knew they would bring every man East of the Alleghenies. To make sure of their defeat, he urged the Government, as the only safe course, to send him every man at its disposal. He finally suggested that troops be brought from the West, but his despatches produced no effect till too late, when all chance of reenforcing him was gone.

June 26, after a demonstration by 16,000 men had neutralized 60,000 troops in the military departments around Washington, the Confederates began the first of the Seven Days' battles.

Two days after, June 28, the Secretary of War telegraphed General Halleck:

The enemy has concentrated in such force at Richmond, as to render it absolutely necessary in the opinion of the President, for you immediately to detach 25,000 of your force and forward it by the nearest and quickest way, by way of Baltimore and Washington, to Richmond. It is believed that the quickest route would be by way of Columbus, Kehtucky, and up the Ohio River. But in detaching your force, the President directs that it be done in such way as to enable you to hold your ground and not interfere with the movement against Chattanooga and East Tennessee. * * * * * * The direction to send these forces immediately, is rendered imperative by a serious reverse suffered by General McClellan before Richmond yesterday, the full extent of which is not yet known.[c] * * *

June 30, the fate of the Army of the Potomac being still unknown, the President—uncertain how to act—telegraphed General Halleck:

Would be very glad of 25,000 infantry; no artillery or cavalry; but please do not

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[a] Scott's Despatches, p. 18.
[b] Scott's Despatches, pp. 18, 19.
[c] Scott's Despatches, pp. 21, 22.

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send a man if it endangers any place you deem important to hold, or if it forces you to give up or weaken or delay the expedition against Chattanooga.[a] * * *

The occupation of East Tennessee had now taken possession of the mind of the President, to the exclusion of every other consideration. To him and his advisers, Richmond, around which two armies were contending in battle, seemed a mere geographical point, destitute of military and political value. As evidence of so remarkable a fact, and as tending to explain why no weight was given to the argument of the commander of the Army of the Potomac, the President, in concluding his despatch to General Halleck, stated:

To take and hold the railroad at or East of Cleveland, in East Tennessee, I think fully as important as the taking and holding of Richmond.[b]

The importance of East Tennessee, and its value as compared with Richmond, was pressed upon General Halleck in another despatch of June 30. The Secretary of War telegraphed:

The Chattanooga expedition must not on any account be given up. The President regards that and the movement against East Tennessee as one of the most important movements of the war, and its occupation nearly as important as the capture of Richmond.[b]

Unable to comprehend the difficulty of supplying troops, with all the railroads and bridges destroyed, the idea still prevailed at Washington that an army ought to move as the crow flies. Referring to the President, the despatch concluded:

* * * He is not pleased with the tardiness of the movements toward Chattanooga, and directs that no force be sent here if you cannot do it without breaking up the operations against that point and East Tennessee.[c]

July 1, General Halleck replied to the Secretary of War:

* * * If order had been carried out we should have been either defeated or forced to retreat. No forces can be spared at present. The enemy is apparently preparing to make an attack, and his guerrillas have already done us considerable damage.[d]

July 2, the day after the battle of Malvern Hill, the President again expressed a wish for more troops. He telegraphed General Halleck (still at Corinth):

Your several despatches of yesterday to Secretary of War and myself received. I did say and now repeat I would be exceedingly glad for some reenforcements from you; still, do not send a man if, in your judgment, it will endanger any point you deem important to hold, or will force you to give up or weaken or delay the Chattanooga expedition. * * *[e]

Probably wearied with the responsibility of command, he also added:

Please tell me, could you make a flying visit for consultation without endangering the service of your department?

July 4, made uneasy by the concentration of Confederate troops in

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[a] Scott's Despatches, p. 24.
[b] Scott's Despatches, pp. 24, 25.
[c] Scott's Despatches, p. 28.
[d] The alarm of General Halleck was not without reason. The 1st of June his forces at Corinth exceeded 100,000 men. By July 1 he had reduced it to barely a sufficient garrison.
[e] Scott's Despatches, p. 29.

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Virginia and the battles around Richmond, the President again telegraphed General Halleck:

You do not know how much you would oblige us if, without abandoning any of your positions or plans, you could promptly send us even 10,000 infantry. Can you not? Some part of the Corinth army is certainly fighting McClellan in front of Richmond. Prisoners are in our hands from the late Corinth army.[a]

July 5, General Halleck practically settled the question of sending troops to Virginia. Beginning with allusion to secret organizations to aid the enemy in Tennessee, he telegraphed the President:

* * * Every commanding officer from Nashville to Memphis has asked for reenforcements. Under these circumstances I submitted the question of sending troops to Richmond to the principal officers of my command. They are unanimous in opinion that if this army is seriously diminished the Chattanooga expedition must be revoked or the hope of holding Southwest Tennessee abandoned. I must earnestly protest against surrendering what has cost us so much blood and treasure, and which, in a military point of view, is worth three Richmonds. It will be infinitely better to withdraw troops from the Shenandoah Valley, which at this time has no strategetic importance * * *.[b]

Evidence has already been presented in the review of Eastern operations, that after the removal of the General in Chief the President never gave an order for the movement of troops, without first consulting the Secretary of War or some member of his military council. It has also appeared that as soon as it was discovered there was no military head to our armies, everyone in high station had a plan of campaign. Everything was weighed in a political balance. People were deferred to less from their wisdom than from their power. There was a charm in mingling in the war councils of the nation—an ambition to share the credit in military achievements. Of all the persons admitted to the confidence of the President and his Cabinet, the members of the Joint Committee on the Conduct of the War were the most active and officious. They early disclosed their purpose to withdraw the Army of the Potomac from the Peninsula, and within less than a month the fatal order was given. In the West, as seen from the telegram to General Buell, a Congressional delegation could create new commands and on the least alarm, cause troops to be rushed hurriedly from one State to another. This was not in violation, but in harmony with the system. As throwing light on the question whether civilians can command or combine the operations of the armies, the despatches sent to General Halleck disclosed two remarkable facts. The first was that at the moment the fate of the Union hung on the fate of the Army of the Potomac, neither the President nor the Secretary of War would assume the responsibility of ordering troops to Virginia, but left the question to be decided by a general, hundreds of miles away from the scene of action. The second was that they attached the same importance to the occupation of a railroad junction in East Tennessee, as to the capture of the Confederate capital.

Another letter from the President to General Halleck, dated the 6th of July, shows to what capricious influences military operations were exposed, up to the close of his three months' command. The letter stated:

This introduces Governor William Sprague, of Rhode Island. He is now governor for the third time and Senator-elect of the United States. I know the object of his visit to you. He has my cheerful consent to go, but not my direction. He wishes

[a] Scott's Despatches, p. 36.
[b] Scott's Despatches, p. 37.

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to get you and part of your force, one or both, to come here. You already know I should be exceedingly glad of this, if in your judgment it could be without endangering positions and operations in the Southwest, and I now repeat what I have more than once said by telegraph, "Do not come or send a man if in your judgment it will endanger any point you deem important to hold, or endangers or delays the Chattanooga expedition."

Still, please give my friend, Governor Sprague, a full and fair hearing.[a]

The mission of Governor Sprague was profitable only in advice, but this advice was worth his journey. Coinciding with the urgent recommendations made by the commander of the Army of the Potomac, from the date of McDowell's detachment to the beginning of the Seven Day's Battles, General Halleck on the 10th replied:

Governor Sprague is here. If I were to go to Washington I could advise but one thing: To place all the forces in North Carolina, Virginia, and Washington under one head, and hold that head responsible for the result.[b]

Three days before this despatch was received, General McClellan, waiving all claim to the position himself, urged the President to appoint a General in Chief. The President yielded, and on the 11th of July, General Halleck was summoned to the duties of the office.

From this time to the end of the year, the review of military operations in the West may be brief. Pursuant to the dispositions made by the commander before leaving his department, the troops toward the end of August were scattered from Helena in the West, to Cumberland Gap in the East, a distance of over 400 miles.

Weak at every part of our line, there was no point that did not invite an attack. The enemy chose the extreme left, and moving late in August with three corps between Chattanooga and Cumberland Gap, he pushed boldly toward Lexington and Cincinnati, and the 25th of September, saw the Army of the Ohio back at Louisville, Kentucky.[c]

Consenting to take a place in the military council of the Secretary of War, and to execute the predetermined plan to withdraw the Army of the Potomac from the Peninsula, the new General in Chief and the country were amazed to find, as the logical result of three months' War Department strategy, that the enemy in the West as well as the East, had been able to regain nearly all the territory he had lost since the beginning of the war.

His triumph, however, was but short. Reenforced by 30,000 men, the Army of the Ohio, as has already been related, moved forward on the 1st of October, and on the 8th, fought the Battle of Perryville. Thence pursuing the enemy toward Cumberland Gap, it changed commanders, and turning Westward under General Rosecrans, proceeded through Nashville 30 miles Southward, where on the closing days of the year, it met and defeated the enemy in the battle of Murfreesboro, on Stone River.

The Army of the Tennessee in the meantime defeated the enemy at Corinth, on October 3 and 4, after which, advancing toward Grenada and Jackson, till its communications were severed, it returned to Memphis and began a second movement against Vicksburg along the levees of the Mississippi.

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[a] Scott's Despatches, pp. 30, 31.

[b] Scott's Despatches, p. 33.

[c] General Buell estimated the enemy's force at 60,000 effectives. See despatch from Buell to Halleck, Frank Moore's Rebellion Record, date of September 25, 1862.—EDITORS.

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CHAPTER XXVII.

INFLUENCE OF THE STATES IN DEPLETING OUR ARMIES.

No sooner was the Army of 1861 organized and equipped, than the governors began to take back with one hand what they had given with the other. This was the result of our system, rather than of deliberate design. In all foreign wars, as well as civil commotions greater than a riot or insurrection, the Constitution intended the Government should "raise and support" its own armies, but Congress thought differently.

STATE HOSPITALS.

In the hasty legislation of 1861, it enacted that the Government should support its armies, but their organization, on the confederate principles, it turned over to the States. The recruitment and subsistence of the new levies till they were mustered into service, naturally carried with it the care of the sick. To meet this necessity, State and private hospitals sprang up in nearly all large cities. As partial compensation, General Orders, No. 47, of April 26, 1862, directed:

> When the care of sick and wounded soldiers is assumed by the States from which they come, the Subsistence Department will commute their ration at 25 cents.

The maintenance of these hospitals soon became a burden to the States, but, instead of urging they be discontinued, the governors demanded that they be transferred to the Government, or that "United States General Hospitals" be established in their places.

General Crane, then Assistant Surgeon-General, states:

> Many hospitals were established under State auspices and were apparently transferred to the General Government by common consent. * * * The governors and surgeons-general of States found these hospitals too costly and were anxious to transfer.

The transfer, General Crane further states, took place about June, 1862.

In regard to the policy of establishing the General Hospitals, Dr. Jos. R. Smith, surgeon, U. S. Army, who in 1862 acted in the capacity of Assistant Surgeon-General, states:

> The governors of the different States did not ask for State hospitals in the sense of hospitals supported and controlled by the individual States, but they did ask for the establishment of United States general hospitals at different places within their States, and further, asked that the sick soldiers from the different States be sent for treatment to the hospitals in those States, and this, irrespective of distance, expense, or convenience.
>
> It was the natural feeling that the sick citizen soldier should desire to go to his home, relatives, and friends for care and nursing during a tedious convalescence, and that friends and relatives should desire to have him. It was the policy, always, of the Surgeon-General to comply with this sentiment, as far as the public interest would permit.

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The patients in these hospitals were by no means limited to the men who fell ill before their regiments left their States. It was early discovered by military commanders, that when men left the field for medical treatment, they were lost for the campaign, if not for the war. The Medical Department to remedy the evil, began, in 1861, to establish general hospitals within all the great military departments, where the sick and wounded received every care and attention which liberal appropriations and medical skill could suggest; this was not enough, Congress had committed the Government to the confederate system.

The Military Committee of the Senate had declared the volunteers to be militia, or State troops in the service of the United States. The military patronage thus thrown into the hands of the governors vastly increased their personal and political power. Their care and solicitude for their regiments followed them to the field, and homesick soldiers were forwarded from their homes to the capitals of their States. In treating of the prosecution of foreign or civil wars political influences cannot be ignored. However patriotic they may have been, and no one will deny that they were patriotic, it was impossible that the situation should not have suggested to the chief magistrates of the States new means for extending and promoting their political aims.

A second gubernatorial term, an election to the Senate, or the Presidency itself, were all prizes within the field of vision of every "War Governor." To be the recognized friend and champion of the soldier was a sure means of securing favor with the people. Having got their hospitals by the method adopted for raising our armies, all that remained for the governors was to demand that their sick and wounded should be sent home to fill them; their success again proved that systems are stronger than men. The Government, in adopting the voluntary system which it was soon after forced to abandon, had taken the position of a suppliant. It was vain for military commanders or the Medical Department to protest. The laws had made the governors supreme, and to every argument in opposition to their designs they could simply reply, "If you refuse to send us back our sick and wounded soldiers we can raise no more men." In default of obligatory military service, the argument was conclusive; the Government yielded, the governors appointed their agents, chartered their steamers, and sending them to the theaters of military operations, began the removal of the sick and wounded to hospitals, thousands of miles from the field of battle.

The system once in operation, military commanders were powerless to stop, or even check, the depletion of their armies. The Surgeon-General at the seat of Government recognized the evil, but all he could do was to seek to control it. On the 17th of May, General Hammond, recently appointed Surgeon-General, wrote to the Secretary of War:

> Great confusion and inconvenience to the service, together with much suffering to the sick and wounded, result from the interference of the State agents and others who are not acting under direction of this bureau. Men are taken from the hospitals before time is given to perform necessary operations or so soon after the operation that death is very frequently the consequence. So well convinced are the agents of the States of Maine and New Jersey of its impropriety, that they voluntarily gave up their appointments and returned home. I have, therefore, respectfully to request that to this bureau may be assigned the entire control of the sick of the Army, whether in camp, hospitals, or transports. I am ready to assume the entire responsibility, and to answer for the full performance of the duties involved, provided that

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the means of transportation, now in the hands of State agents, State surgeons-general, and others, be put at my disposal, in order that persons accountable to this Department may be placed in charge.

By direction of the Secretary of War, the Assistant Secretary of War replied:

You have authority in virtue of your office to take charge of all the sick and wounded of the Army, wherever they may be, and you are responsible for their care, comfort, and proper medical treatment. The Quartermaster-General, on your requisition, will furnish all necessary transportation.

This authority, while in a measure enabling the Surgeon-General to regulate the previously irresponsible action of the State agents, proved only a temporary check to the evil they had so successfully inaugurated.

It was a great misfortune that at this time the Government, from short-sighted political considerations, found itself in full sympathy with the governors.

The dispersion of the great army at Corinth and the refusal to concentrate the forces in Virginia at Richmond, had brought military operations to a standstill, soon to be followed by a wave of rebellion which reached Ohio and swept across the Potomac. Needless reverses had diminished the confidence of the people in the conduct of the war, and already threatened a political reaction. To avert further disasters a second great army had to be called for. In all, more than a million of patriots, equal to nearly one-eighteenth of the total population, had volunteered for the defense of the Union. The withdrawal from the States of so many of the nation's defenders tended to jeopardize the success of the Administration in the approaching elections. The expedient of permitting the soldier in the field to vote as well as fight had not yet been adopted. Their absence from their precincts counted, therefore, as so much gain to their political opponents.

ABSENTEEISM AND DESERTIONS.

Quick to foresee the danger, the political supporters of the Government everywhere demanded that all soldiers temporarily disqualified for field service, be sent home to vote. Their representation produced the desired effect. On the 14th of July, the Secretary of War, in General Orders, No. 78, directed:

When it is expedient and advisable, sick and wounded patients may, under the direction of the Surgeon-General, be transferred in parties, but not in individual cases, to hospitals at the North; and, as far as practicable, the men will be sent to States in which their regiments were raised, provided United States Hospitals have been established there.

Pursuant to this authority, the transfer of the soldiers back to their States speedily assumed formidable proportions. Hospital trains were fitted up on the great lines of railway, while hospital steamers plied on the sea and all the great rivers.

Referring to this order and its effects, Doctor Smith states:

Under this order immense numbers of sick and wounded were transferred by the order of the Surgeon-General. These numbers I have now no means of knowing, but believe they reached hundreds of thousands, and for them was established a magnificent and expensive system of transportation by railroad and steamer. The tender feelings of human nature above spoken of, were not, however, the only ones acting in this matter; in addition, the presence of native soldiers was desired for their votes—to influence the elections—and accordingly the efforts of politicians were redoubled to obtain more and larger hospitals within their borders, and to

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secure more frequent and numerous transfers. Whenever it was proper, the Surgeon-General seconded these efforts; but when hospital room elsewhere was vacant and abundant, and whenever it was manifestly for the interests of the Government and the sick and wounded themselves, to care for them where they then were, no course was left the Surgeon-General but to disapprove applications for necessary hospitals, and distant, expensive, and not needed transfers.

Very frequently this was the case. Such distances, say, as from Texas to Maine and Florida to Minnesota rendered the transfer of the hospital inmates often dangerous and impossible, while the establishment at and near the bases of military operations of large and complete general hospitals—the best the world ever saw—rendered the establishment of distant hospitals and movement of the sick an unnecessary expense.

It was found, in addition, that separating the soldier so far from his company and regiment engendered a state of chronic absenteeism; armies were depleted, and the generals commanding the principal armies objected in consequence to the separation of the sick from their immediate commands save when necessary to convalescence and recovery of health. Notwithstanding all this, every disapproval by the Surgeon-General of an application for the establishment of a new unnecessary hospital, or an unnecessary and injudicious transfer of sick, caused great dissatisfaction, and the consistent action of the Surgeon-General in this matter, in the true interests of the Government, secured to him great ill will on the part of State officials and the Secretary of War. * * * Previous to the entry to office of Surgeon-General Hammond the General Hospitals of the Army were inadequate.

General Hammond, the Surgeon-General at that time, wrote:

The Surgeon-General's Office had great trouble to prevent the wholesale deportation of the sick soldiers to hospitals within their respective States, when there was no other reason for the journey than the fact that they had been recruited within such States. Sometimes the governors succeeded in effecting the change through the Secretary of War, without even the knowledge of the Surgeon-General.[a]

The War of 1812 proved to the satisfaction of the reflecting observer, that in the absence of a professional General in Chief, no civilian could successfully command and administer our armies. Mr. Eustis, as Secretary of War tried it first, but after the disasters of Detroit and Queenstown, he was compelled to retire at the request of the Administration leaders in Congress. Mr. Armstrong, arbitrary, self-willed, and self-confident, tried it next, but with no better success.

Mr. Stanton, more fortunate than his predecessors, retained his office till the suppression of the Rebellion, and was rewarded at last by the title of the "great War Secretary." Called to his high office on the 13th of January, 1862, the removal of the General in Chief, on the 13th of March, concentrated in his person the command and administration of the entire military resources of the people.

Under the ruling of the Attorney-General, his orders were legal and valid as the orders of the President, without any reference to the Chief Magistrate. The decision of the Attorney-General also made it a matter of taste whether, in any situation, he should consult the constitutional Commander in Chief.

The time which he should have given exclusively to organizing, recruiting, and supplying our armies he at first blindly gave to revising the plans of military commanders. Chaos forthwith reigned in the field, nor did it wholly cease till 1864, when the revival of the grade of lieutenant-general gave our armies an actual General in Chief.

In the conduct of war no principle is better established than this: That within the province or territorial limits assigned to any military commander, his authority must be supreme.

It is also a principle of wise and economical administration, that within these limits no staff officers, or chief of staff corps shall exer-

[a] Letter from Surgeon-General W. A. Hammond, retired, dated January 26, 1880.

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cise command or authority, except by direction of the military commander, or subject to his approval. Both of these fundamental principles were violated in General Orders, No. 36 and 78, dated, respectively, April 7 and July 14, 1862. The first paragraph of General Orders, No. 36, issued but three days after the Departments of Rappahannock and Shenandoah were established, reads:

I. The General Hospitals are under the direction of the Surgeon-General. Orders not involving expense of transportation may be given by him to transfer medical officers or hospital stewards from one General Hospital to another, as he may deem best for the service. [a]

* * * * * * *

From this paragraph it will be seen that all the General Hospitals passed at once under the control of the Surgeon-General and the medical officers he might choose to appoint.

It mattered not where the hospitals were located, whether in the most distant Northern States, or within the immediate theater of war, as at Washington, Alexandria, Fort Monroe, Louisville, Nashville, or Memphis—wherever it might be, each one within a military department constituted an *imperium in imperio*. The medical officer in charge was independent of all military supervision.

Commanders could order no inspections; their authority had ceased; the soldier who could step from the ranks and gain admission to the general hospital was free from military duty; his superiors could not touch him.[b] Although there may have been hundreds if not thousands of men fit for duty, the commander of the Army of the Potomac, as it marched through Alexandria and Washington on its way to Antietam, could not order back to his regiment a single soldier or medical attendant from any of the hospitals, without violating the orders of the Secretary of War.

The second order, which permitted sick and wounded patients—

under the direction of the Surgeon-General to be transferred in parties, but not in individual cases, to hospitals at the North—

made the General Hospitals at the front so many feeders for the hospitals in the States. By easy stages soldiers in the West were moved back from Memphis to Cairo, Cairo to St. Louis, and from St. Louis to the hospitals in the States. Another line of transport was from Nashville to Louisville, Louisville to Cincinnati and Indianapolis, and thence to their respective destinations.

In the East, the drainage from the Army of the Potomac was from the field, to Fort Monroe, Alexandria, and Washington; thence by rail and steamers to the North, East, and West.

The effect of these orders, was to divide the armies of the Union into two distinct classes—one moving to the front, the other to the rear.

The imperfect command of the first class was bestowed upon the generals in the field. Those of the second class, recruited by the agents of the States from the General Hospitals at the front, and which were maintained by their zeal and activity, between the limits of one and two hundred thousand men,[c] were nominally commanded by the Surgeon-

[a] See "History of the Medical Department" (Brown).

[b] This was the case during the recent Spanish war.—EDITORS.

[c] The number of officers and men absent sick June 30, 1864, was 146,130; absent with leave, mostly sick and wounded, 32,494. Total 178,624. (Returns from Adjutant-General's Office.)

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General. In reality they were commanded by the governors, who, like so many dictators, wielded their authority through the Secretary of War.

The expense of transporting hundreds of thousands of men back and forth from the armies in the field was the least objectionable feature of the system. When the patients arrived at the hospitals in their respective States, General Orders, No 78 stated:

> The men will then be under the fostering care of the Government while unfit for duty.

But this care was of short duration. Friends were freely permitted to visit the patients and furnish them with comforts, but their home was looked upon as the natural place for the convalescent. The public was informed in the same order that—

> the unauthorized removal of soldiers from under the control of the United States authorities by any agents whatever, subjects them to the loss of pay and other penalties of desertion.

This admonition amounted to nothing. The governors and political supporters of the Administration had only to speak. They had got their sick transported back to their States; their next step was to demand that they should be sent to their homes. Once more they prevailed. Neither the Surgeon-General nor military commanders had any voice in the matter.

In the mind of the politician, political expediency will ever rise above military considerations. The soldiers must go to the polls, and to get there thousands were furloughed, who henceforth remained away from their regiments, some guilty of absence without leave, others guilty of the capital crime of desertion.

The growth of "chronic absenteeism," traceable in the first instance to the system of General Hospitals established under the protection of the governors, affords another proof of the folly of a military policy, based on the cooperation of the States. This will best be shown by referring to the Army of the Potomac, whose present for duty and absentees on different dates were as follows:[a]

Date.	For duty.	Absent.
December 1, 1861	169,452	11,470
January 1, 1862	191,480	11,707
February 1, 1862	190,806	14,110
March 1, 1862	193,142	13,570
April 30, 1862	109,335	11,087
June 20, 1862	105,825	28,587
July 10, 1862	89,549	38,420

The falling off in the present for duty between March 1, and April 30, was due to the detachment of McDowell's corps and Blenker's division, as also Banks's corps which the commander of the Army of the Potomac had designated to occupy the Shenandoah Valley.

After the arrival of the Army of the Peninsula, the present for

[a] McClellan's Report, pp. 10, 11.

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duty was also diminished by the present sick, as also those in arrest or confinement which, on the above dates, was as follows: [a]

Date.	Present sick.	Present in arrest or confinement.
December 1, 1861	15,102	2,189
January 1, 1862	14,790	2,260
February 1, 1862	14,363	2,917
March 1, 1862	13,167	2,108
April 30, 1862	5,618	397
June 20, 1862	11,087	364
July 10, 1862	16,644	273

July 15, 1862, the present for duty was 88,665, out of an aggregate of 144,407.

In a letter of the same date, General McClellan wrote to the President:

> The number of men really absent is 38,250. Unquestionably, of the number present some are absent—say 40,000, will cover the absentees. Quite agree with you that more than one-half of these men are probably fit for duty to-day. [b]

He next proposed a remedy:

> I have frequently called the attention lately of the War Department to this evil of absenteeism. I think that the exciting of the public press to persistent attack upon officers and soldiers absent from the army, the employment of deputy marshals to arrest and send back deserters, summary dismissal of officers whose names are reported for being absent without leave, and the publication of their names, will exhaust the remedies applicable by the War Department. It is to be remembered that many of those absent by authority are those who have got off either sick or wounded, or under pretense of sickness or wounds, and having originally pretext of authority are still reported absent by authority. If I could receive back the absentees, and could get my sick men up, I would need but small reenforcements to enable me to take Richmond.
>
> There is always confusion and haste in shipping and taking care of the wounded after a battle. There is no time for nice examination of permits to pass here or there. I can now control people getting away better, for the natural opportunities are better. Leakages by desertion occur in every army, and will occur here of course, but I do not at all, however, anticipate anything like a recurrence of what has taken place. [b]

The means of getting away from the army having been systematized and made easy, absenteeism rapidly increased.

July 20, the present for duty was 101,691,[c] the absentees 38,795.[c]

September 30, but thirteen days after General McClellan was censured for not hurling into battle his last reserve of 12,000 men, the absentees from his army numbered 76,012. The present for duty in the army lying idle at Washington was 73,745; its absentees were 25,744.

The aggregate absent from the two armies which should have been united at Antietam was 101,756.[d] The total in action was but 87,164.[d]

The astounding fact that at the moment the Confederates invited the people of Maryland to join the cause of secession, the army of absentees exceeded the army sent to battle for the Union, neither excited the alarm of the Government, nor diminished the ardor of the State agents.

[a] McClellan's Report, pp. 10, 11.
[b] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 344.
[c] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 507.
[d] McClellan's Report, p. 214.

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The following letter of December 26, from the Governor of Vermont to the Surgeon-General of the Army, explains how these agents were appointed and the nature of their duties:

The bearer of this note, my son, Frank F. Holbrook, is commissioned and directed to visit the various United States Hospitals to look up and ascertain the condition of our Vermont soldiers sick or wounded therein. He will report such cases to you as it may seem to him would be benefited by a removal to the hospital at this place. Any facilities you can render to him, will be duly appreciated by myself and the State of Vermont.

The order of July 14, directed the Surgeon-General to send the men home in "parties." In recruiting them, the State agents did not stop with the inspection of General Hospitals; they pressed to the front, following closely in the wake of our armies. As the representatives of the governors, interference with their object was a task no less dangerous than delicate; nevertheless, fully aware of the magnitude of the evil, General McClellan, five days after the battle of Antietam, wrote to General Halleck:

Doctor Hitchcock and the Hon. Mr. Crocker, of Massachusetts, are here on the part of the governor of that State, desirous of removing to Massachusetts the most serious cases of those wounded; now, I would really request authority to deliver to them such severe cases as will not be fit for duty in less than thirty days or six weeks, one or more surgeons to be detailed by the Medical Director of this army, to inspect the cases and decide as to those to be sent home, none to be sent without the approval and order of the Medical Director. [a]

General Halleck replied:

You are authorized to send to Massachusetts the wounded as you propose, putting an army surgeon in general charge of them. [b]

September 28 General McClellan again wrote:

The reduced condition of the old regiments, and the futility of dependence upon the recruiting service for the replenishing of their ranks, points to the necessity of earnest endeavor to collect all the absent officers and men belonging to these organizations. I am aware that this subject has already occupied the attention of the War Department. I suggest that every hospital and staff officer be inspected within the month of October, by, if necessary, scores of officers detailed for the purpose, to ferret out the old soldiers hidden away therein. Such an inspection would produce more fruit in one week than the recruiting service can in three months.

And finally, I would suggest to the War Department, the employment of the deputy provost-marshals throughout the North, more particularly in the arrest of deserters. Convalescent soldiers leave hospitals, and have done so for the past year, and return home habitually. It is the experience of every army commander that not more than a tenth of the soldiers who are left behind sick ever rejoin. [c]

The effect of the State hospital system is still further described toward the close of the letter:

A regiment here, which has been employed pretty much during the whole year as depot guard, has had in the course of the year some 500 sick sent to hospitals in the rear. Of these it has received back some 15 or 20. The stragglers, too, are numerous in every division of the army. Many of these desert.

The States of the North are flooded with deserters, absentees, etc. One corps of this army has thirteen thousand and odd men present and fifteen thousand and odd absent. Of this 15,000, 8,000 probably are at work at home—deserters. They can be secured and returned, and I beg that the fullest exercise of the power of the Government may be devoted, if necessary, to the accomplishment of this end. It will have the happiest result in swelling the ranks of the old regiments and in preventing their future reduction.

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[a] Report of the Joint Committee on the Conduct of the War, vol. 1, p. 497.
[b] Ibid., p. 498.
[c] Ibid., p. 506.

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While this system reduced the strength of our armies vastly more than actual sickness or wounds received in battle, the reader may nevertheless think it was justifiable on the ground of humanity. No mistake could be greater. All the General Hospitals, wherever located, were under the same Medical Department; the appropriations available for one were available for all; in none was there lack of medical attendance; after each battle patriotic men and women volunteered as nurses, particularly in the hospitals nearest the fields. If the wounded soldier was in need of any comfort or delicacy, which patriotism could provide, it was in the hospitals at the front where the sanitary commission labored with the greatest zeal and devotion.

But there is another side to the question of humanity. In Franco-German and Russo-Turkish wars, the invaders brought into the fields of battle two, three, and even four times as many troops as the enemy, and in each case were rewarded by decisive battles and short wars. As a result, the men who perished in battle or from disease were comparatively few.

Our method was the reverse. Before the campaign of 1862 opened, the State agents had spirited away thousands of men who in a few days would have been able to return to the ranks. Shorn in this manner of one-third to one-half of their strength, our armies were frequently compelled to meet the enemy with equal, if not inferior numbers. The war, instead of being decided in a single campaign, lengthened into a series of bloody, but indecisive battles. The contending hosts met and fought only to melt away under each other's fire.[a]

Humanity may have benefited a few deserving soldiers by sending them back to their States, but the penalty exacted from their comrades was a death list, which soon swelled to hundreds of thousands. Events also proved that the arguments of the politician were worthy of less consideration than those of the humanitarian. The Surgeon-General and the military commanders could have told them, that defeat in the field meant defeat at the polls; but the politicians, supercilious and headstrong, would listen to no advice. They succeeded in getting a few thousand soldiers to the polls, but neither their presence nor their votes could overcome the depressing effect of the reverses already related. Nearly everywhere the Administration lost ground. In Pennsylvania the opposition gained the legislature and a United States Senator. In New York they elected a governor by a majority of more than 10,000.[b]

DISCHARGES.

In discussing the evils which flowed from the system of State hospitals, reference thus far has only been made to absenteeism, but in another way they exerted an influence equally potent in prolonging the war.

Malingerers and deserters, as well as deserving convalescents, had used the hospitals as half-way houses to their homes. For such as were hopelessly disabled, or seemed to be so, a system of discharge had to be devised which in its turn led to speedy and permanent reduction of

[a] In describing the Battle of Chickamauga, General Croxton, of Kentucky, likened it "to lighting two straws, the burning ends of which were pressed together till both were consumed." No words could better describe our method of prosecuting the war.

[b] Greeley's American Conflict, vol. 2, pp. 509, 510

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our military forces. This was done by General Orders, No. 36. The first paragraph, as we have seen, placed all General Hospitals under the control of the Surgeon-General. The second gave the chief medical officer in charge of the hospitals in any city, power to cause certificates of disability to be made out for such men as, in his judgment, should be discharged from the service.[a]

The order stated:

> He will be responsible that the certificates are given for good causes and that they are made in proper form, giving such medical description of the cases, with the degree of disability, as may enable the Pension Office to decide on any claim to pension which may be based upon them.

The certificates of disability, after being signed by the chief medical officer, were forwarded to the military commander in the city, who had the authority to order the discharge.

The operation of this order was at first limited to the cities of Washington, Baltimore, Philadelphia, and New York, but May 10, by General Orders, No. 51, department commanders were directed to designate an officer to perform the functions of a military commander—including the signing of certificates—in every city or town where there was a General Hospital.[b]

Whether these orders be considered by themselves, or as the natural sequence of establishing General Hospitals in place of State Hospitals, they present undoubted proof of bad administration. Previous to their issue, thousands of soldiers reported absent sick expected to return to the ranks, but now, to their satisfaction, they found that in each State one or more officers had been located, where they could hope to procure their immediate discharge. Giving the medical officers and the military commanders credit for the strictest integrity and good judgment, it was impossible that gross abuses should not arise under such a system.

In the field, a colonel, anxious to keep his regiment full, could scrutinize each certificate of disability, and daily inspect the condition of the soldier; the surgeon, too, was in sympathy with the regiment to which he belonged. Under the orders quoted, neither the medical officer nor the military commander had the slightest interest in the men or in the regiments from which they asked their discharge.

The medical officer, too, was constantly the victim of fraud and deceit. If a soldier shammed sickness in the regimental hospital the personal knowledge of the surgeon, or that derived from his officers and comrades, might lead to the exposure of the trickster and insure his prompt restoration to duty. In the large General Hospital the surgeon was forced to make up his mind from a few imperfect observations. Malingerers soon became adepts in feigning all manner of

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[a] This system was also in vogue during the late Spanish-American war. Paragraph 1433 of the Army Regulations placed all General Hospitals under the exclusive control of the Surgeon-General of the Army. General Orders, No. 114, Headquarters of the Army, series of 1898, gave authority to the surgeons in charge of General and Field Hospitals to grant furloughs for one month to sick and wounded soldiers who were able to travel to their homes. The same order required these surgeons to send soldiers who were able to perform full military duty to their regiments, or temporarily to recruit detachments. Those who were permanently disabled were discharged on the usual certificates of disability.—EDITORS.

[b] These military commanders were generally field officers of the regular or volunteer forces. For each one detailed, some regiment lost an officer by detached service.

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diseases. By June, 1862, impositions became so frequent, that discharges for rheumatism had to be prohibited in orders. Without counterfeiting disease, there were other ways of procuring discharges.

The establishment of General Hospitals and the order to fill them from the field, was a well-known concession to political influence. Accessible to the families and friends of his patients, if the surgeon, in a mood of complaisance, so far yielded to the personal and political influence, by which he was surrounded, as to sign a certificate of disability, he but followed the example daily set before him by the highest civil officers of the Government. When political influence failed, there was still recourse to corruption. The records of the War Department establish the fact that certificates of disability were often a matter of barter and sale. This nefarious practice was by no means limited to particular localities. Wherever there was a regimental, field, temporary, post, or permanent hospital, medical officers were exposed to offers of bribery. The patriotism and integrity of the vast majority were superior to this test, but unfortunately, enough remained to swell the number of fraudulent certificates to hundreds and thousands.

The State Hospitals opened up a yet broader field for the sale of discharges. It was through their agency, before the Government accepted their transfer, that soldiers in great numbers had returned to their homes. When efforts to get soldiers back became serious, another unwise order placed it in the power of physicians, not in the military service, to procure for them either furloughs or discharges. Such as were not under treatment in the United States Hospitals, were ordered to report to the military commanders, under pain of being considered deserters. For such as were unable to travel the order stated:

In cases of serious disability from wounds or sickness which may prevent obedience to this requirement, the soldier must furnish a certificate of a physician of good standing in the case, on which, if satisfactory, the military commander may grant a furlough for not exceeding thirty days, or a discharge on the [illegible] of a certificate of disability made out strictly according to regulations [illegible] be given on account of rheumatism, or where there is a probability of recovery within a reasonable time.

[illegible] be seen that any soldier who had once returned [illegible] could at any moment procure his discharge [illegible] a physician in good standing" would honestly or otherwise [illegible] case either wounds or any [illegible] certificate the further [illegible] probability of recovery within a reasonable time. [illegible] there was still the provision that [illegible] commanders. But for the [illegible] might as well have been omitted. [illegible] Hospitals [illegible] the [illegible] military [illegible]

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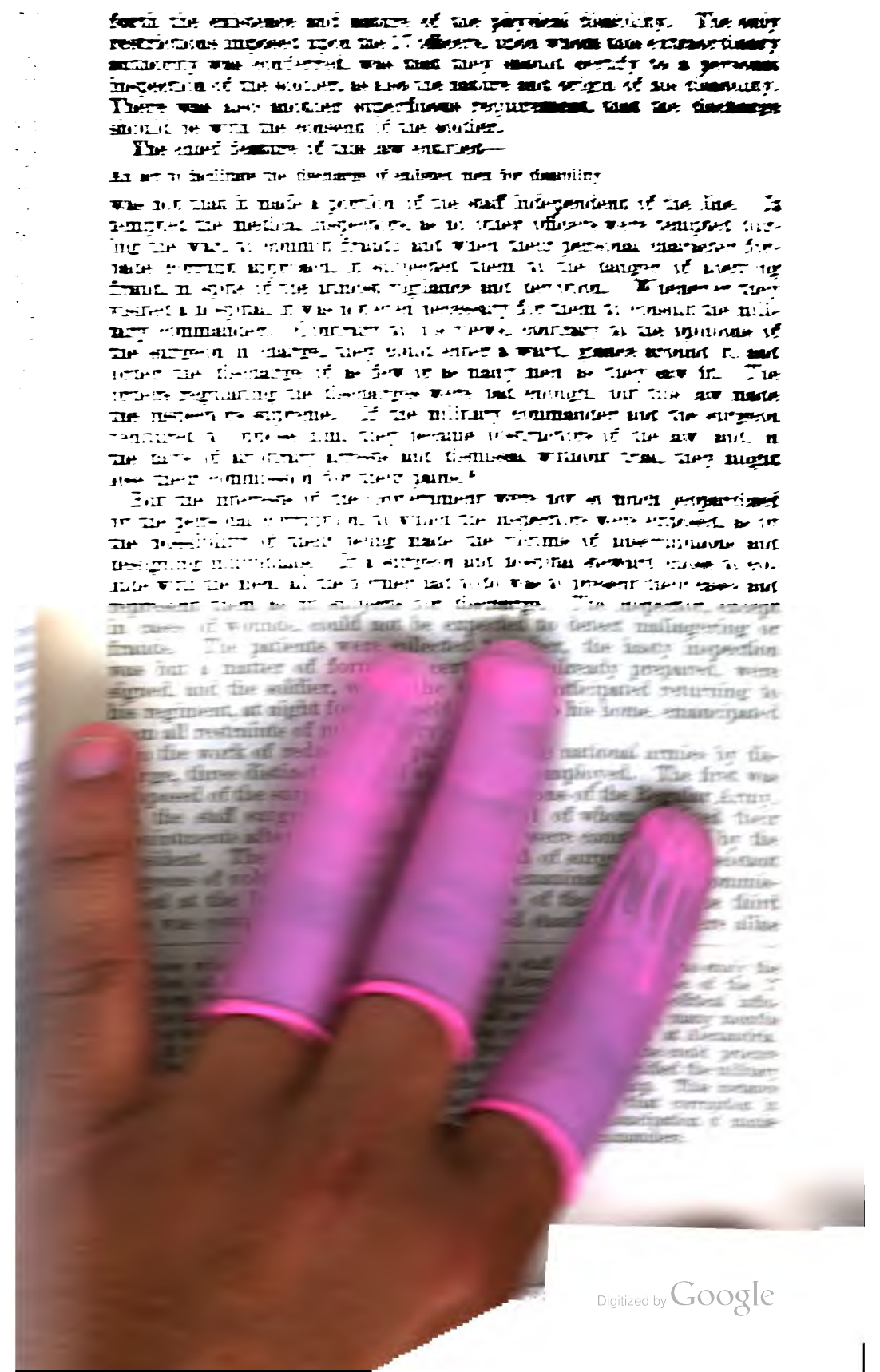
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> In cases of serious disability from wounds or sickness which may prevent obedience to this requirement, the soldier must furnish a certificate of a physician of good standing, describing his case, on which, if satisfactory, the military commander may grant a written furlough for not exceeding thirty days, or a discharge on the prescribed form of a certificate of disability made out strictly according to regulations. But no discharges will be given on account of rheumatism, or where there is a prospect of recovery within a reasonable time.

From this it will be seen that any soldier who had once returned to his village, or his home, could at any moment procure his discharge, provided a physician "in good standing" would honestly or corruptly sign a certificate—alleging as the cause either wounds or any disease save rheumatism—coupling with the certificate the further statement that there was no prospect of recovery within a reasonable time. After the certificate was rendered, there was still the provision that it must be satisfactory to the military commanders. But for the majority of malingerers this condition might as well have been omitted.

The plan for hasty discharges from the General Hospitals, possessed at least the merit of requiring the concurrence of two officers—one from the staff, the other from the line—but in its blind devotion to false economy, Congress saw fit to break down this safeguard, making them wholly independent of civil and military control; it authorized the Medical Inspector-General and medical inspectors of the Army to discharge from the service any enlisted man—

> in the permanent hospitals, laboring under any physical disability which might make it disadvantageous to the service that he be retained therein.

The evidence of discharge was simply a certificate in writing, setting

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forth the existence and nature of the physical disability. The only restrictions imposed upon the 17 officers, upon whom this extraordinary authority was conferred, was that they should certify to a personal inspection of the soldier, as also the nature and origin of his disability. There was also another superfluous requirement, that the discharge should be with the consent of the soldier.

The chief feature of this law entitled—

An act to facilitate the discharge of enlisted men for disability,

was not that it made a portion of the staff independent of the line. It tempted the medical inspectors, as no other officers were tempted during the war, to commit fraud; and when their personal character forbade corrupt approach, it subjected them to the danger of abetting fraud, in spite of the utmost vigilance and devotion. Whenever they visited a hospital, it was not even necessary for them to consult the military commander. Contrary to his views, contrary to the opinions of the surgeon in charge, they could enter a ward, glance around it, and order the discharge of as few or as many men as they saw fit. The orders regulating the discharges were bad enough, but this law made the inspectors supreme. If the military commander and the surgeon ventured to oppose him, they became obstructors of the law, and, in the days of arbitrary arrests and dismissal without trial, they might lose their commission for their pains.[a]

But the interests of the Government were not so much jeopardized by the personal corruption, to which the inspectors were exposed, as by the possibility of their being made the victims of unscrupulous and designing individuals. If a surgeon and hospital steward chose to collude with the men, all the former had to do was to present their cases and represent them as fit subjects for discharge. The inspector, except in cases of wounds, could not be expected to detect malingering or frauds. The patients were collected together, the hasty inspection was but a matter of form, the certificates, already prepared, were signed, and the soldier, who in the morning anticipated returning to his regiment, at night found himself en route to his home, emancipated from all restraints of military service.

In the work of reducing and paralyzing the national armies by discharge, three distinct classes of agents were employed. The first was composed of the surgeons and assistant surgeons of the Regular Army, and the staff surgeons of the volunteers, all of whom received their appointments after rigid examinations and were commissioned by the President. The second class was composed of surgeons and assistant surgeons of volunteers, who, without any examination, were commissioned at the beginning by the governors of the States. The third class was composed of physicians in "good standing," who were alike

[a] Those who advocate the independence of the staff would do well to study the operation of this law. A single instance may here be given. One of the 17 inspectors, it was well known, received his appointment through political influence, no attention being paid to his professional acquirements. Not many months after he was commissioned, he appeared at the convalescent camp at Alexandria, where it was soon noised abroad that soldiers from a particular State could procure their discharge. The work continued till the surgeon in charge notified the military commander, who caused the inspector to immediately quit the camp. This instance may be cited as one of a multitude to establish the principle that corruption in administration tends to increase in direct proportion to the emancipation of ministrative officers from the supervision and control of military commanders.

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irresponsible to the Government or the States. Of the first and second classes, only those surgeons and assistant surgeons could grant certificates of disability, who were in charge of a Regimental, Field, or General Hospital. The third class, under General Orders, No. 65, could sign these certificates, whenever applied to by a soldier who had succeeded in reaching his home.

A comparison of the strength of the first and second classes will show that under the confederate theory of war, so hastily adopted by the Cabinet and Congress in 1861, the organization and disorganization of our armies were left chiefly in the hands of the agents appointed by the States. The number of medical officers appointed by the President was:

Medical Inspector-General	1
United States medical inspectors	16
United States surgeons	50
United States assistant surgeons	109
United States volunteer staff surgeons	119
Total	[a] 295

The number appointed by the governors, and without examination, was:

Regimental surgeons, Army of 1861	657
Regimental assistant surgeons, Army of 1861	1,341
Regimental surgeons, Army of 1862	402
Regimental assistant surgeons, Army of 1862	804
Total	[b] 3,177

The horde of physicians in good standing, who, under orders could sign certificates of disability, cannot be stated, but there was at least one for every town where a convalescent deserved or desired a discharge. Their aid to get out of the service could also be invoked by malingerers and deserters, who only needed a certificate to be entitled to the same consideration as the soldier whose limbs had been hopelessly shattered in battle.

The State Hospitals again grew up as the natural offspring of the laws of July, 1861, which placed the recruitment and organization of the volunteer forces in the hands of the governors. The replacement of the State Hospitals by General Hospitals, as also the orders to the Surgeon-General to fill them up by parties of sick and wounded, sent back from the field, have been cited as acts of unwise administration which would have been forced upon the Secretary of War, had he not chosen to make friends with the governors by yielding a prompt compliance to all their requests.

The effect of the mistakes in command and administration during the year 1862, induced by bad laws, may be estimated by restating figures principally relating to the Army of the Potomac. On the

[a] These figures are taken from the Army Register of January 1, 1863. Of the 17 medical inspectors who could discharge soldiers on their own certificates, 11 were appointed from civil life after the war began. The other 6, under the discretion allowed by the law, were selected from the Medical Corps of the Army.

[b] Computed from the tabulated statement of the number of regiments of infantry, cavalry, and artillery furnished under the two calls of 1861 and 1862 for three years' troops. The number of medical officers falls short of the number actually appointed, as the independent battalions, companies, and batteries are not included. The medical officers allowed to each regiment by the laws of 1861 and 1862, were 1 surgeon and 2 assistant surgeons.

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27th of June, the beginning of the Seven Days' Battles, it went into action with 95,000 men; the number of troops detached and withheld at the beginning of the Peninsula campaign was 40,000; the number of absentees on the 20th of July was 38,000. Withdrawn from the Peninsula, contrary to the entreaties of its commander, the army went into battle at Antietam with 87,000 men; the number for duty withheld at Washington was 73,000; the number of absentees from the Army of the Potomac and the forces at Washington has already been given as exceeding 101,000.

These figures show that the system adhered to by Congress since the Declaration of Independence, was responsible for many of the evils and sufferings entailed by a prolonged war. But statistics relating to discharges have yet to be added. It has already been stated that in March, 1862, when the President and the Secretary of War assumed military control, the Union armies exceeded 637,000 men. The total force of Confederates in the field at the beginning of the year did not exceed 220,000.

The number of men discharged in 1862, by means of the combined agencies referred to, approximated 100,000 men.[a]

The immediate effect of those discharges was to reduce all the regiments in the field to mere skeletons; their permanent effect can be seen to-day in the system of pensions, which costs the people from thirty to forty millions a year.[b]

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[a] This approximation is based upon the following figures furnished by the Adjutant-General's Office to the Commissioner of Pensions, April 24, 1880,—

Number of men discharged during the Rebellion on certificate of disability, from actual record:

Regular Army	6,541
Volunteer Army	274,683
Colored troops	10,143
Total	291,367

As it was during the year 1862 that the great armies of 1861 and 1862 completed their shrinking or seasoning process, it cannot be far out of the way to assume that one-third of the discharges were granted during the first year of actual field service.

[b] The total amount paid in the year 1903 for pensions and the expense of maintenance during the fiscal year was $141,752,870.50.—EDITORS.

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CHAPTER XXVIII.

DEPLETION OF THE ARMIES.

NEED OF REGIMENTAL DEPOTS. [a]

The Landwehr battalion districts, the company districts, and the regimental depots are the links which, in foreign services, connect the people with the army. In each battalion district in Germany, for example, there is a cadre consisting of a field officer, an adjutant, and three noncommissioned officers. The rolls of all men in the reserve, in the Ersatz reserve, as also in the Landwehr, are kept at the district headquarters. A sergeant-major, or first sergeant, lives in each company district and serves as a medium of communications with the men at their homes.

When war is declared, each regiment designates a battalion to serve as a regimental depot. It consists of 22 officers, and may be recruited as high as 1,208 noncommissioned officers and men. The three battalions in the field, the depot battalion, the cadre of the Landwehr battalion, and company districts, all form part of one and the same regiment. Whenever a regiment loses 10 per cent of its men from battle or disease, the colonel does not apply for recruits to the adjutant-general at Berlin, but sends an order direct to the commander of the depot battalion to forward at once the number required. No man, after having once been enrolled in the army for active service, can skulk away and return to his home. The regulations require that all men in the reserve, the Landwehr, Ersatz reserve, or on furlough, shall, on returning to their company districts, report in person to the sergeant-major. The Government thus knows where every soldier is, who owes military service. If one deserts, and does not return to his home, he cannot long remain undiscovered by the many officers and

[a] By a General Order of the Headquarters of the Army, dated August 31, 1899, the third battalions of the First, Second, Fifth, Eighth, and Tenth regiments of infantry were designated depot battalions, in contradistinction with the other two battalions, which were to be known as active battalions. Later in the same year, the provisions of the order were extended to the Fifteenth, Twenty-fourth, and Twenty-fifth regiments of infantry and the Second regiment of artillery; and in the following year (1900) it was further extended to the First, Third, Fifth, Sixth, and Eighth regiments of cavalry and the Second, Fifth, Eighth, and Eleventh regiments of infantry. In all cases it was provided that the officers and men of the regiments named who were unfit for active service should be transferred to the depot battalions or squadrons and replaced by an equal number of able-bodied men from those battalions. In no case was the system applied until the regiment concerned was about to depart for foreign service, and ceased with its return to the home station. The system has not worked satisfactorily in practice, and has been allowed to lapse—regiments at the present time being sent on foreign service intact.

In Europe—Germany, for example—there is a fourth battalion, which in time of war becomes the depot battalion. It transfers its personnel to the other battalions to bring them up to war strength, and immediately begins recruiting to maintain that strength by successive detachments of reenforcements to the active battalions in the field, thus leaving the three active battalions of the regiments intact.—EDITORS.

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men who are undergoing military training in the districts where he may seek refuge.

This district regulation, as a dead letter, has existed in our military system since 1792, and was again reenacted in section 1626, Revised Statutes, which reads:

> It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of 18 years, or who, being of the age of 18 years and under the age of 45 years, come to reside within his bounds.[a]

Wherever Congress has shown a disposition to adopt the principle of military organization observed in continental armies, it has been dissuaded from its purpose by the demagogic admonition that foreign organizations are dangerous to liberty. This cry has frequently been uttered in the Army, and is still held in reserve by those who are selfishly interested in the perpetuation of our present effete organization.

Whether their advice up to the year 1862 was for the good or evil of the country, will appear upon examining the measures adopted by the Government to suppress the evils of desertion and absence without leave. Congress had been generous in voting a million of men, but in blindly relying on voluntary enlistments and the cooperation of governors it did not consider territorial recruitment, regimental depots, and obligatory military service as worthy of consideration. As a consequence, the only territorial limits recognized by the law, were the States which, as in the cases of Rhode Island and California, varied anywhere from 1,300 to 159,000 square miles.

After the refusal to accept individual offers to raise troops, there was no direct link between the Government and the people. A mustering officer was stationed here and there in the large cities, who received and mustered into the service such organizations as were tendered by the States. Within these muster limits the Government had no military agents. It was not deemed necessary, nor were any efforts made to credit localities, like townships or counties, with the number of men furnished. When, as in the beginning of the Revolution, it was not thought possible for military enthusiasm to die out, governors whose quotas had been filled, saw with indifference, rejected organizations tendering their services to the governors of other States.

This option to enlist in any part of the country, regardless of the place of birth and citizenship, was another means of facilitating and encouraging desertion. In the absence of battalion and company districts, no stranger was looked upon with suspicion; if a deserter, there was no one to arrest him; if he reenlisted, the new community considered him a patriot. While all these evils had their origin in the law, the remedies applied had to be devised by the War Department.

Adopted by a Secretary of War whose civil ability was unquestioned, the inadequacy, not to say absurdity, of each successive measure, should teach us the wisdom of adopting in time of peace a system, which will need no development or remodeling in time of war.

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[a] Under the act of Congress approved January 21, 1903, the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age. Under section 2 of the act, certain persons are exempted.—EDITORS.

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The first General Order for the correction and control of absenteeism was dated April 7, 1862. The first paragraph, already referred to, placed all General Hospitals under the direction of the Surgeon-General. The second paragraph, partly quoted, placed all the General Hospitals in any particular city under the charge of a chief medical officer, who alone was authorized to sign certificates of disability, which were then forwarded for the action of a military commander.

The seventh, eighth, and ninth paragraphs read:

7. It is made the duty of each military commander to correct, as far as may be in his power, the evils and irregularities arising from the peculiar state of the service at this time, by collecting stragglers and sending them forward to their proper stations or discharging them on certificates of disability, if on examination by the chief medical officer they be found unfit for the service.

8. The military commander in each city will have control of such guards as may be furnished to preserve discipline and good order at the several military hospitals. He will advise the Adjutant-General of the Army, what number of companies will be required for such guards. He will cause them to be properly posted, relieved, and instructed.

9. Whenever the chief medical officer shall report a number of patients as fit to join their regiments, the military commander will give the necessary orders to have them forwarded in good order and under suitable conduct.[a]

The eleventh paragraph, relative to paroled prisoners, devolved upon governors duties pertaining to a regimental depot. It prescribed:

All officers and enlisted men of volunteers who are on parole not to serve against the rebels, will be considered on leave of absence until notified of their exchange or discharge. They will immediately report their address to the governors of their States, who will be duly informed from this office as to their exchange or discharge.

To perform all the labors incident to discharging the sick, collecting convalescents, stragglers, absentees, and deserters, and forwarding them to their regiments, the order designated in all but four military commanders. These officers were the Military Governor of the District of Columbia, the commander of the Middle Department in the city of Baltimore, a lieutenant-colonel of artillery in the city of Philadelphia, and a colonel of artillery in the city of New York.

May 10, 1862, General Orders, No. 51, directed commanders of departments to designate—

some officer in each city or town where there is a General Hospital to perform the functions assigned to military commanders in General Orders, No. 36.

The effect of this order was to place a military representative of the Government at every point where there was a General Hospital. Before it was issued, as will be seen from General Orders, No. 36, there were none for the New England States, nor any for the States West of the Alleghenies.

June 6, 1862, in General Orders, No. 60, the aid of the governors was invoked to enable absentees fit for duty, to return to their regiments. To this end, the governors were authorized to grant passes or certificates to the absentees, which entitled them to transportation to the station of the nearest United States mustering officer or quartermaster. These officers in turn paid the transportation under the passes, and further provided the means for the men to join their regiments in the field.

[a] General Orders, No. 36, A. G. O., 1862.

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The next day, June 7, General Orders, No. 61, was issued, relating to absent officers. It began:

> The great number of officers absent from their regiments without sufficient cause is a serious evil which calls for immediate correction. * * *

The third paragraph directed all officers who were able to travel, whether sick or wounded, to repair, those in the East to Annapolis, those in the West to Camp Chase, Ohio. For want of the War Department's own representatives, the next to the last paragraph began:

> Their Excellencies the governors of States are requested to make known this order and to contribute to its execution as may be in their power.

Copies of the order were furnished them for distribution, as also to mustering and recruiting officers.

June 12, General Orders, No. 65, prohibited captains and colonels from granting furloughs on any pretext whatever, and declared that any soldier provided with such a furlough would not be relieved from the charge of desertion. The next paragraph declared that all enlisted men absent without proper authority were, "in fact, deserters," subject to forfeiture of pay and allowances and to all the penalties awarded by the law to such an offense. If otherwise unable to join, the deserters were informed in the next paragraph that—

> by application to the governors of their States, or to any military commander or United States mustering officer in a city, transportation could be procured to their regiments.

The necessity for more officers to perform the functions of "military commanders," as prescribed by General Orders, Nos. 36 and 51, constantly increased. The next paragraph, therefore, directed that where no military commander had been appointed, his duties should be performed "by the senior officer of the army on duty as mustering or recruiting officer in the place," until such an appointment should be made. The next paragraph sought to present a clumsy substitute for regimental depots, and stated:

> Under General Orders, No. 36, it is the duty of military commanders to collect all stragglers and forward them to their regiments. To do this they must establish camps or depots, under strict military discipline, and maintain sufficient guards to maintain this order. Convalescents in army hospitals will be reported by the surgeons in charge to the military commanders, to be kept at their camps or depots until they can be sent to join their regiments. Muster rolls of each detachment will be made out from the best data at hand, the statement of the men being taken in the absence of other information concerning them. A duplicate of each muster roll must be forwarded to the Adjutant-General, the day the detachment starts.

It will be observed that all the above duties are those which would have been performed by the regimental depots, which more than a year, before had been recommended by Generals Franklin and McDowell, but were summarily rejected by the Secretary of the Treasury. The first effect of the system of State Hospitals, was of course to deprive military commanders of all control over their absent sick. The commanders did not fail to warn the Government of the evil. The next paragraph therefore aimed to restore military supervision, but in another form. It prescribed:

> To avoid confusion and retain necessary control over all soldiers in the United States service, those who are entertained in State or private hospitals must be subject to the nearest military commander, and are hereby required to report to him in person as soon as they become convalescent.

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There being no means of communication with men at their homes through a district sergeant-major, the next paragraph began:

Immediately after receipt of this order, each military commander will publish three times in some newspaper, a brief notice requiring all United States soldiers in that city and the country around, who are not under treatment in a United States Hospital, to report themselves to him without delay, on penalty of being considered deserters. In cases of serious disability from wounds or sickness, which may prevent obedience to this requirement, the soldier must furnish a certificate of a physician of good standing, describing his case, on which, if satisfactory, the military commander may grant a written furlough for not exceeding thirty days, or a discharge on the prescribed form of a certificate of disability, made out strictly according to the regulations. But no discharges will be given on account of rheumatism, or where there is a prospect of recovery within a reasonable time.

Five days later, June 17, another substitute for regimental depots had to be provided for paroled prisoners of war. General Orders, No. 67, dated June 17, 1862, directed that special posts or camps be established for their reception. A Commissary-General of Prisoners was appointed, who was directed to select positions for the camps and submit estimates for the necessary buildings, which, as soon as approved by the Quartermaster-General, were ordered to be erected by officers of the Quartermaster's Department.

Instead of being sent to depots where the prisoners could have been drilled, armed, and equipped by their own officers, and held in readiness to be sent to their regiments the moment they were exchanged, large camps were formed at great expense, commanded by officers on detached service, who had no regimental nor any local interest in the welfare of the soldiers. The only inspections to which the camps were subjected was a visit from the Commissary-General of Prisoners, once a month, if he found it practicable.

June 28, another order, No. 72, again showed the want of regimental depots. In default of one or more in each Congressional district, all paroled prisoners who had been permitted to go to their homes, were directed to repair—those in the New England and Middle States, to Annapolis, Maryland; those from the States of Virginia, Tennessee, Kentucky, Ohio, Maryland, and Michigan, to Camp Chase, near Columbus, Ohio; those of Illinois, Wisconsin, Minnesota, Iowa, and Missouri, to Jefferson Barracks, Missouri. Officers and men who failed to obey the order were declared deserters. Commanders, mustering and recruiting officers were directed to give the order "the widest circulation in their neighborhoods," and to use their utmost exertions to carry it into effect. The same paragraph concluded:

And their Excellencies the governors of the several States are respectfully solicited to lend their efforts to the same end.

For this purpose they were authorized to grant the necessary transportation.

July 14, Paragraph II, General Orders, No. 78, read:

At large camps, depots, or posts, where absentees arrive en route to their companies, the commanding officers will immediately set apart a particular place where the men may be quartered in buildings, tents, or huts as soon as they arrive, and may, without delay, receive food and clothing. Parties will be detailed to await at landing places the arrival of such soldiers and to direct them to their quarters. They will be assigned immediately to temporary companies, composed as far as possible of men from the same regiments or brigades; and each of these companies will be forwarded in a body to the command to which they belong, according to the directions contained in Paragraph I, of General Orders, No. 72.

Thus far it is manifest the Government had done nothing but issue general orders. It is true that these had courteously invited the

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assistance of the Executives of the States, but as the governors were always candidates for popular favor, it could hardly be expected they would make themselves odious, by ferreting out deserters and dragging them from their homes. If a man desired to return to his regiment, a governor would scarcely forego the credit of issuing a pass, the expense of which would be paid by the Government. Casting the governors aside as agents for arresting deserters, there remained for this duty only such commanding, mustering, and recruiting officers as from time to time had been detailed at a few of the large cities. As a natural result, throughout the entire loyal territory of the North a deserter in the same block with a recruiting officer was as safe from arrest as in the most distant village in the country.

These facts at last becoming apparent, the next order, No. 92, dated July 31, was issued by direction of the President. The preamble read:

> The absence of officers and privates from their duty under various pretexts, while receiving pay, at great expense and burden to the Government, makes it necessary that efficient measures be taken to enforce their return to duty, or that their places be supplied by those who will not take pay while rendering no service. This evil, moreover, tends greatly to discourage the patriotic impulses of those who would contribute to support the families of faithful soldiers. * * *

The first paragraph directed that all leaves of absence and furloughs, except those granted by the War Department, be annulled on the 11th of August, and required all officers and men capable of service, to join forthwith their commands under penalty of trial by court-martial. The third paragraph directed that on the 18th of August, every regiment and corps in the Army, should be mustered with a view to ascertaining the absentees and stopping their pay. The officers absent without cause, were to be dismissed from the service; the men, unless restored to duty, were to be treated as deserters.

The fourth paragraph, after enjoining corps, division, brigade, regimental, and other commanders, to make the muster and report the absentees, stated:

> Any officer failing in his duty herein, will be deemed guilty of gross neglect of duty and be dismissed from the service.

The fifth paragraph, recognized the folly of further invoking the aid of the governors. It prescribed:

> A commissioner shall be appointed by the Secretary of War, to superintend the execution of the order in their respective States.

The next paragraph invoked the aid of civil officers both of the States and the United States. It read:

> The United States marshals in the respective districts, the mayor and chief of police of any town or city, the sheriff of the respective counties in each State, all postmasters, and justices of the peace, are authorized to act as special provost-marshals to arrest any officer or private soldier fit for duty who may be found absent from his command without just cause, and convey him to the nearest military post or depot. The transportation, reasonable expenses of this duty, and $5 will be paid for each officer or private so arrested and delivered.

It will be seen from this paragraph, that the Government expected civil officers to give up their legitimate pursuits, to encounter the difficulties and dangers of arresting deserters, liable to capital punishment, for the paltry sum of $5 each.[a]

[a] This order by the President, was issued but seventeen days after the order of the Secretary of War, authorizing the Surgeon-General to send the sick in squads back to their States.

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August 4, by General Orders, No. 95, the execution of General Orders, No. 92, was committed to Simeon Draper, Esq., of New York, who was appointed a commissioner of the War Department, with his office in Washington. He was directed to

> communicate with the marshals, mayors, chiefs of police, and other special provost-marshals designated in said order,

all of whom, save the United States marshals, could, if they saw fit, treat his communication with contempt.

The civil commissioner was scarcely permitted to assume his new duties when, September 24, by General Orders, No. 140, the Secretary of War created a corps of provost-marshals, the supervision and control of which was vested in a Provost-Marshal-General of the War Department, with headquarters at the seat of Government. The second paragraph stated that there would be appointed in each State "one or more special provost-marshals," as necessity might require, who would report to and receive orders from the the Provost-Marshal-General.

The third and fourth paragraphs related to the duties and powers of the provost-marshals, and were as follows:

> Third. It will be the duty of the special provost-marshals to arrest all deserters, whether regulars, volunteers, or militia, and send them to the nearest military commander or military post, where they can be cared for and sent to their respective regiments; to arrest, upon the warrant of the Judge-Advocate, all disloyal persons subject to arrest under the orders of the War Department; to inquire into and report treasonable practices, seize stolen or embezzled property of the Government, detect spies of the enemy, and perform such other duties as may be enjoined upon them by the War Department; and report all their proceedings promptly to the Provost-Marshal-General.
>
> Fourth. To enable special provost-marshals to discharge their duties efficiently, they are authorized to call on any available military force within their respective districts, or else to employ the assistance of citizens, constables, sheriffs, or police officers, so far as may be necessary, under such regulations as may be prescribed by the Provost-Marshal-General of the War Department, with the approval of the Secretary of War.

The fifth and sixth sections fixed the pay of the special provost-marshals at ——[a] dollars per month, their traveling expenses certified under oath, to be paid on approval of the Provost-Marshal-General.

In the creation and support of this corps, the members of which were authorized to arrest any citizen, no mention was made of the approval or authority of the President. The seventh section prescribed:

> All appointments in this service will be subject to be revoked at the pleasure of the Secretary of War.

The eighth section read:

> All orders heretofore issued by the War Department conferring authority upon other officers to act as provost-marshals (except those who have received special commissions from the War Department) are hereby revoked.

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[a] The amount of pay which these special provost-marshals were to receive is left blank in the original of General Orders, No. 140, War Department, dated September 24, 1862. In a subsequent order, General Orders, No. 73, War Department, dated March 24, 1863, the existing appointments of special provost-marshals were revoked and provision was made for the reappointment of one provost-marshal for each district, who was to receive the pay and allowances of a captain of cavalry.—EDITORS.

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SUSPENSION OF THE WRIT OF HABEAS CORPUS.

The next day, September 25, as a war measure essential to the preservation of the Union, the President, by proclamation, declared: 1862

> First. That during the existing insurrection, and as a necessary measure for suppressing the same, all rebels and insurgents, their aids and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by courts-martial or military commission.
>
> Second. That the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinment by any military authority, or by the sentence of any court-martial or military commission. * * *

The preceding order, which was far more dangerous to liberty than to deserters, closed the series of futile attempts to suppress evils, which would never have befallen the country but for the unwise determination to carry on the war as a confederacy instead of as a nation. Whether we consider them as dictated in ignorance, or as based on a thorough knowledge of our military history, it is evident that the laws and the orders from the War Department, up to the close of the year 1862, had scarcely any other effect than to threaten the collapse of the Government, through inability, first to raise, and afterwards to prevent, the dissolution of our armies.

In foreign armies, it is the duty of the General Staff to draw up the bills relating to military organization, which, after approval by the War Minister, are presented to the representatives of the people. The latter may refuse to incur the expense of reforms, but do not question the wisdom of the details. They know that they have been wrought out, not by recluses walled in by the archives of the War Department, but by officers who in every grade have exercised command in the line, and know the wants of the service. Such was the case with some of our adjutants-general in 1862. They could draw up orders, call officers to account for errors in their muster rolls, etc., but having given but little, if any, attention to the means of raising and supporting armies, they could do but little to check the progress of the Government toward bankruptcy and ruin.

For want of such a simple device as territorial recruitment and regimental depots, we see that at first but four officers were designated "to correct the evils and irregularities arising from the peculiar state of the service," in a territory embracing 758,000 square miles. For paroled prisoners in the Eastern and Middle States, one depot was designated for a territory of 168,000 square miles. Camp Chase was made the sole depot for an area of 274,000 square miles; Jefferson Barracks for a yet larger territory of 315,000 square miles. Many other orders, not yet quoted, show that the evils to be corrected had their immediate origin in the State Hospitals, but in no instance was the regimental depot suggested as a means of diminishing the frequency of desertion.

SUPPRESSION OF RECRUITING.

Those who, on the ground of the inexperience of our leaders, would excuse or cover up the blunders committed during the Rebellion, unwittingly furnish the best arguments that can be adduced in favor

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of adopting a wise and strong military system in time of peace. The dispersion of our armies East and West, and the order making the Surgeon-General and the medical officers in charge of General Hospitals, independent of commanding generals in the field, were not the only vital mistakes in command and administration, committed during the three months' supremacy of the Secretary of War.[a]

Many a Roman general, refusing to engage his raw levies till he had prepared them for battle, was in time accorded the honors of a triumph, but this policy, always successful in the provinces, was never safe for the general when operating near the capital.

The same was true with us in 1862. Bull Run had been forgotten, the General in Chief, accused of having no plan, was considered an obstructor, military advice was at a discount. The opinion prevailed in Congress that 200,000 men could march from Washington to New Orleans without opposition. All that was wanted was for someone to command, "forward." Imbued with false confidence, the spirit of economy again triumphed. The great Army of 1861, having swollen above 600,000, it seemed preposterous to ask for more men. From all quarters, save the army, came the demand to stop recruiting. The Secretary of War, if he did not share the popular opinions at least yielded to it. To the unwise orders issued during the first week in April, another was added, equally fatal to a speedy suppression of the rebellion.

By General Orders, No. 33, dated April 3, the Secretary of War directed that in every State the recruiting service for volunteers be discontinued; that the officers and men on recruiting duty return to their regiments; that the superintendents of the volunteer recruiting service close their offices, and that the public property belonging to the recruiting service be sold to the best advantage possible, the proceeds to be credited to the fund for "collecting, drilling, and organizing volunteers."[b]

To understand the scope of this order, it is necessary to go back for a moment to the year 1861.

After the fall of Fort Sumter, the need of troops was so urgent, that no thought was given to physical examinations until quite 300,000 men had been received into the service. As a natural consequence, many men unfit for duty immediately applied for discharge. To prevent the recurrence of such enlistments, an order was issued on the 3d of August directing a physical examination of volunteers previous to their future muster and acceptance. The same order, No. 51, also prescribed that when the discharge was granted within three months after his enlistment, the soidier should receive no pay nor allowances, except subsistence and transportation to his home. Discharges thus became the first visible cause of depletion, to which were speedily added detached service, sickness, absenteeism, and desertion.

The War Department soon saw the importance of maintaining the regiments at their maximum standard. Regular officers were appointed mustering officers, as also disbursing officers of the funds appropriated by Congress for collecting, drilling, and organizing volunteers.

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[a] This was also done during the Spanish-American War and resulted from paragraph 1433, Army Regulations, 1895.—EDITORS.

[b] General Orders, No. 33, contained three paragraphs. The first, issued by direction of the President, dismissed an officer from the volunteer service. The other two were evidently issued by the authority of the Secretary of War, no reference being made to the President.

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As early as the 15th of August, camps of rendezvous and instruction for volunteers, under officers of the regular service, were established in the vicinity of New York, Elmira, Harrisburg, and Cincinnati. The next step was to get recruiting agents; and here again it was a misfortune that no one advised or prevailed upon the Secretary of War to establish regimental depots. The device would have been simple, and in the end proved the most ecomomical, but instead of adopting it, General Orders, No. 69, of August 28, 1861, sought to remedy one evil by increasing another. Commanding officers of volunteer regiments, subject to the approval of brigade, division, and corps or departmental commanders, were authorized to detach or—

detail from time to time, as required, one commissioned officer, or two if necessary, with one or two noncommissioned officers or privates, to recruit in the districts in which the regiments or companies were raised.

The officers in charge of these recruiting parties received their instructions from the regular mustering officers.

December 3, 1861, a general system for recruiting was promulgated in General Orders, No. 105. A regular officer was appointed general superintendent of each State, with headquarters and general depots at Augusta, Maine; Burlington, Vermont; Concord, New Hampshire; Cambridge, Massachusetts; Providence, Rhode Island; Fort Trumbull, Connecticut; Elmira and Albany, New York (headquarters at Albany); Trenton, New Jersey; Harrisburg, Pennsylvania; Wilmington, Delaware; Annapolis, Maryland; Wheeling, Virgnia; Columbus, Ohio; Louisville, Kentucky; Indianapolis, Indiana; Springfield, Illinois; Detroit, Michigan; Madison, Wisconsin; Fort Snelling, Minnesota; Davenport, Iowa; Jefferson Barracks, Missouri; and Fort Leavenworth, Kansas.

On the requisition of the superintendents, a suitable number of volunteer officers, noncommissioned officers, and privates were detailed for duty in the staff departments, and as drill masters at the respective depots.

The recruiting parties for each regiment, now consisting of two commissioned officers and four noncommissioned officers or privates, detailed for a tour of six months, were assigned to rendezvous by the superintendents.

One advantage of territorial and regimental recruiting is, that when a man is asked to enlist he can be told that in the service he will be among his friends. But this, although it was the system adopted by England and all other civilized countries except our own, was not the system promulgated in the order. The men recruited at the regimental rendezvous were sent in small squads to the general depots, upon which (Paragraph X) commanders of volunteer regiments, batteries, and independent companies, made their requisitions for such recruits as might be required. The State thus again became the territorial limit, instead of a regimental or Congressional district.[a]

In establishing the various rendezvous, the superintendents were authorized to arrange for rent of buildings, subsistence, and other expenses; they were also charged with keeping on hand clothing for recruits and the arms necessary for their instruction. It was this elaborate and expensive system of recruiting, scarcely in operation more

[a] By General Orders, No. 3, 1862, officers were directed to recruit for their own regiments instead of for the general service.

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than three months, which the new Secretary of War demolished by an order issued the same day McDowell's corps was detached from the Army of the Potomac.

The gravity of this mistake in administration was soon perceived to be nearly as great as the one relating to command. The first effort to retrieve it shows how thoroughly the Government was committed to the Confederate system, so tenaciously adhered to during the Revolution. The Government agents, regular and volunteer, had been scattered; there were no longer any general or regimental rendezvous; but the governors remained, and to them the Secretary turned for assistance.

May 1 he therefore issued War Department General Orders, No. 49, as follows:

> Upon requisitions made by commanders of armies in the field authority will be given by the War Department to the governors of the respective States to recruit regiments now in service.

But under the volunteer system, the one element of success was lacking—recruiting for depleted regiments carried with it no military patronage; however efficient he might be, no officer or man in procuring recruits was offered the reward of promotion. This effort having totally failed, but one course remained, and that, regardless of expense, was to return to the system so recently abolished. Accordingly, on the 6th of June, by General Orders, No. 60, the volunteer recruiting service was restored as it previously existed; but too late, for individual volunteering,—for the old regiments had practically ceased.

July 25, another effort was made to revive it by increasing the recruiting details to two officers from each regiment and one noncommissioned officer or private from each company; but, as we shall see, the old regiments, now ably commanded, were left to become skeletons, while under the patronage of the governors a new army sprang into existence, nearly all of whose officers were as destitute of skill and training as those who led the raw troops at Bull Run.

General Orders, No. 88, issued on the 25th of July, will bear further inspection. The cadre of a company as established by the law of July 22, 1861, consisted of 1 captain, 2 lieutenants, 5 sergeants, and 8 corporals—total, 16. The order referred to detached two officers and ten noncommissioned officers and men, which fell but four short of the cadre of a company in the field and but seven short of the cadre of a regular depot company in the French army. There being at the time, more than six hundred regiments in the field belonging to the Army of 1861, it would have been possible, had the word "depot" again been suggested to the Secretary of War, to have established at least two regimental depots in each Congressional district.

Within each of these small territories there would have been 24 or more officers and noncommissioned officers in sympathy with the community, proud of their regiments, and subject to the direct orders of the Government, who would always have been on the alert to enlist recruits and to bring deserters to justice.

Had this system been adopted, the waiting rooms of the governors would no longer have been filled with absentees asking for transportation to the office of a quartermaster in some distant city; the sick soldier and emaciated prisoner of war, carried by their parents or relations to these regimental depots, would at once have been among

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comrades and friends. The depots would have been so many centers toward which would have converged recruits, sick and wounded convalescents, absentees, and deserters, who, as soon as their numbers became sufficiently large, would have been conducted by intelligent officers or noncommissioned officers to their regiments in the field.

The plan, however, does not appear to have been suggested or entertained. The 8,000 or more officers and noncommissioned officers and men, detached under the order, were used only to recruit.

In the meantime, the Secretary, as we have seen, began the task of suppressing absenteeism with the aid at first of but four military commanders. Increasing this number, he next invoked the aid of governors, mayors, sheriffs, and chiefs of police. Appeals to the State agents proving fruitless, he at last, in place of regimental depots, established a corps of detectives, who, instead of arresting deserters, found employment in arresting such citizens as were denounced as disloyal, under the warrant of a judge advocate.

CAMPS OF INSTRUCTION.

Besides the advantages already referred to, regimental depots, had they been adopted, could have rendered another service equally important. They would have been the natural places for arming and equipping the recruits, and for instructing them in all the details of the school of the soldier.

In default of them, the orders just quoted directed that the recruits should be equipped and instructed at the general depot in each State. More than six months later an effort was made to establish at Annapolis a large camp of instruction for 50,000 men, composed in due proportions of infantry, cavalry, and artillery. The camp, by General Orders, No. 59, of June 5, 1862, was placed under the command of General Wool, assisted by chiefs of cavalry and artillery, and the necessary staff officers for all the administrative departments.

Impracticable from the beginning, the magnitude of the object was sufficient to defeat its accomplishment. It was not merely a question of assembling 50,000 men; the demand for reenforcements was so great that no body of troops, even 5,000 strong, could be suffered to remain together for the simple purpose of instruction. Raw regiments, as well as recruits, had to be sent at once to the field, where the only opportunities for drill were offered during the suspension of active operations.

Under a depot system, individual instruction, the real object of the camp, could easily have been secured without raising the cry that large commands were lying idle. The regimental depots would have exceeded 600; by recruiting and maintaining them at the small figure of 100 men each, there would have been available in the different States a trained reserve of no less than 60,000 men.

ARBITRARY ARRESTS.

To the discomfiture of the demagogue, the years 1861–62 proved that it is wars and not standing armies which are dangerous to liberty. As an exhibition of brute force, war in its nature makes both government and people despotic. During the Revolution the patriot applauded the arrest of the Tory, and with satisfaction saw his property either

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confiscated, plundered, or destroyed. During the Rebellion the patriot supported the Government in every measure looking to the restoration of the Union.

It will ever be the characteristic of the patriot that he will value his own life less than the life of the nation; that he will surrender his own liberty for the liberty of the people; and this not so much from sentiment as from a clear perception of duty. The right of self-defense belongs to nations no less than to individuals.

Whatever may be its form, every government rests on the fundamental principle that in time of war, the life, property, and liberty of its citizens are at its disposal. Power over the life and property of the citizen, is given to the Government by that clause of the Constitution which authorizes Congress "to raise and support armies." By implication, power over the liberty of the citizen is conferred by the clause which states:

> The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

It thus appears that in foreign wars, the lives of those citizens only will be affected who, under the laws, may be drafted into the army. The personal liberty of the remaining citizens cannot be subverted except in case of invasion.

In civil wars, the liberty of the citizen is in constant peril. He may be drafted into the Army, his property may be seized, the privilege of the writ of habeas corpus may be suspended from the beginning till the end of the rebellion; and during such suspension he may at any time be arrested, brought to trial before a court-martial, and, if found guilty of violating the laws of war, be sentenced to imprisonment or death.

Such being the powers conferred upon the government, the lover of free institutions should be quick to discover, that the only military system compatible with safety, is the one which, regardless of temporary economy, will in all emergencies insure wars alike short and decisive.

In 1861 had the Government been able to bring 10,000 regulars upon the battlefield of Bull Run, it is probable that the personal liberty of citizens of the loyal States need never have been violated; but the first success of the insurgents having made their aiders and abettors bold and defiant, no other course was left open, except to subject them to the pains and penalties of military law.

The first suspension of the writ of habeas corpus applicable to the islands of Key West, Tortugas, and Santa Rosa, was authorized by the President on the 3d of May, 1861. On the 25th of May, a resident of Maryland, known to be giving information to the enemy and belonging to a military company hostile to the Government, was arrested and confined in Fort McHenry. A writ of habeas corpus having been granted in his behalf by Chief Justice Taney, was returned by the military commander, General Cadwallader, with the statement that he "was duly authorized by the President of the United States to suspend the writ of habeas corpus for the public safety;" he also added that he was instructed "that in times of civil strife, errors, if any, should be on the side of safety to the country."

Notwithstanding the opinion pronounced by the Chief Justice, that the President could not suspend the writ, nor authorize any military

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officer to do so, the President continued to exercise his constitutional powers and more arrests followed.

On the 5th of July, 1862, the Attorney-General rendered an opinion sustaining the action of the President, and from that time arrests and imprisonments became still more frequent.

September 16, 1862, General McClellan, in full sympathy with the Administration, arrested several members of the Maryland House of Delegates who, on their way to an extra session, were suspected of a design to pass an ordinance of secession. Arrests were at first made under the authority of the State Department, but on the 14th of February, 1862, the President after justifying his conduct and stating that "he felt it his duty to employ with energy the extraordinary powers which the Constitution confides to him in cases of insurrection," directed that "extraordinary arrests will hereafter be made under direction of the military authorities alone."[a]

September 24, the duty of arresting disloyal persons in common with deserters, was imposed chiefly upon the corps of special provost-marshals, organized and appointed by the Secretary of War.

These arrests, sanctioned both by the Constitution and Congress, did not fail to arouse the indignation of the sympathizers and supporters of the Rebellion. They denounced the Government as a despotism, but could not charge a standing army with any crime against liberty. Those who fomented the rebellion, and not the Government, were primarily responsible for the suspension of the writ of habeas corpus. The arrests were ordered by the highest civil authority in the Republic, and executed not by a Regular Army but by a corps of civil detectives, aided by a volunteer army fresh from the people.

[a] Raymond's President Lincoln's Administration, p. 347.

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CHAPTER XXIX.

MILITARY LEGISLATION OF 1862.

The military legislation of the year 1862, beginning with an exhibition of national unity and strength, ended in weakness and folly, due to the distinction unfortunately made by Congress between the power to raise and to support armies. It has already been noticed that in December, 1861, the Military Committee of the Senate declared the volunteers to be militia, and that to convert them into a national force, officered by the President, would be an invasion of the rights of the States, and therefore unconstitutional. Within little more than a month after this remarkable declaration, both Houses of Congress rose to a full conception of their power to support armies.

GOVERNMENT CONTROL OF RAILROADS.

It was early discovered that railroads, as lines of communication, were exercising a powerful influence over military operations, and that to insure the regular transportation of troops and supplies, those at least within the insurrectionary States, must be under the absolute control of the military authorities.

To secure this result Congress, by the act of January 31, 1862, authorized the President, whenever in his judgment the public safety might require it—

> To take possession of any or all the telegraph lines of the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances. * * * To place under military control all the officers, agents, and employees belonging to the telegraph and railroad lines thus taken possession of by the President, so that they shall be considered as a post-road and a part of the military establishment of the United States, subject to all the restrictions imposed by the rules and Articles of War.[a]

The second section prescribed that within any State or district where the laws of the United States were opposed, any attempt by any party or parties whomsoever "to resist or interfere with the unrestrained use by Government of the property described in the preceding section," or "any attempt to injure or destroy the property aforesaid," should "be punished as a military offense, by death, or such other penalty as a court-martial may impose." If the law be examined a little closer, it will be observed that in this instance Congress exercised to the fullest extent the war power conferred upon it by the Constitution.

[a] Callan's Military Laws of the United States, sec. 1, p. 492.

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The seizure of the property was fully warranted by its authority to support armies, but beyond this the law possesses a peculiar interest as being in reality the first step toward conscription. The property was not alone seized, but, without their consent, the personnel of railroads from the president down were declared to be "a part of the military establishment of the United States, subject to all the restrictions imposed by the rules and articles of war."

The effect of this law was no less gratifying than surprising. Ignoring the States, it applied directly to the people and met with the people's response.

The railroad presidents did not wait for the Government to take possession, but anticipating its wants, they, with a patriotism that will ever do them honor, met in convention at Washington, where they submitted for the approval of the Government a tariff for the transportation of troops and supplies, which, regardless of the depreciation of the currency, continued in force till the close of the war.

The extraordinary powers conferred on the Government by this law will best be understood by the following order, issued by the President from the War Department, February 10, 1862:

Ordered, That D. C. McCallum be, and is hereby, appointed Military Director and Superintendent of Railroads in the United States, with authority to enter upon, take possession of, hold and use all railroads, engines, cars, locomotives, equipments, appendages and appurtenances that may be required for the transport of troops, arms, ammunition, and military supplies of the United States, and to do and perform all acts and things that may be necessary and proper to be done for the safe and speedy transport aforesaid.[a]

In regard to the operation of this law, the Secretary of War in his report for 1862 states:

* * * It has not been found necessary to exercise within the loyal States the power conferred upon the President by law, to take actual military possession of the railroads of the country. The various companies met in convention in this city united in proposing a uniform tariff for Government transportation, which appears to be just and equitable, and they have performed all the services required of them by the Department with a promptness, efficiency, and cheerfulness which do honor to the patriotism of their managers.[b]

In his report for 1865 he added:

* * * The agreement made early in the war with the railroad companies of the loyal States, fixing reduced rates of military transportation, remains in force, and has been extended to the railroads in the Southern States since the termination of hostilities.[c]

INCREASE OF MEDICAL DEPARTMENT.

April 16, a law was passed adding to the Medical Department a Surgeon-General, with the rank of brigadier-general; an Assistan-Surgeon-General, and a Medical Inspector-General, each with the rank of colonel of cavalry; 8 medical inspectors, with the rank of lieutenant-colonels of cavalry; 10 surgeons, 10 assistant surgeons, and 20 medical cadets.

Under section 4 of the law, the Surgeon-General, Assistant Surgeon-General, Medical Inspector-General, and medical inspectors were appointed by selection from the Medical Corps of the Army and from

[a] McCallum's Report, Messages and Documents, War Department, 1865–66, pt. 3, p. 1.
[b] Report of Secretary of War for 1862, p. 12.
[c] Messages and Documents, War Department, 1865–66, Report of Secretary of War, pt. 1, p. 38.

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the surgeons in the volunteer service. The 10 surgeons and 10 assistant surgeons were appointed by promotion from the Medical Corps.

The seventh section made the increase provisional for the war, with the equitable provision that officers promoted from the Medical Corps of the Army should revert to the rank they would have held had they not accepted provisional advancement.

The objections to the next law of May 14 have been stated under the head of discharges. It was entitled—

An act to facilitate the discharge of enlisted men for physical disability,

and unwisely gave each medical inspector absolute power to discharge on his own certificate, without superior approval, any man whose physical disability might "make it disadvantageous to the service that he be retained therein."

The next important law, approved July 2, was both national and confederate in character. The first section authorized the President to appoint 40 surgeons and 120 assistant surgeons of volunteers; no appointment to be made until the officer had been examined by a medical board convened by the Secretary of War. The law further enacted that the vacancies in the grade of surgeon should be filled from the grade of assistant surgeon, "on the ground of merit only." The second section abolished the title of brigade surgeons, designated them surgeons of volunteers, and placed them all under the direction of the Surgeon-General.

The humanity of these two sections, whereby the best medical attendance was insured to such of the sick and wounded as came under the care of the regular and volunteer surgeons appointed by the President, is too obvious to need comment. The third and last section, by contrast, reveals the bad features of the State rights or confederate system. It authorized an additional assistant surgeon to each regiment of volunteers, but as these officers, more than a thousand in number, were appointed by the governors, any qualifying examination was out of the question.

The ablest as well as the most ignorant practitioners in the land were eligible for appointment. Such as came into the Army without receiving a previous license or diploma were permitted to experiment with the lives and health of their patients until found to be incompetent; or, detected in malpractice, they were at last brought before a board and dismissed from the service.

PENSIONS.

July 14, a law was passed relating to pensions.

The first section prescribed that noncommissioned officers and privates of the regulars, volunteers, and militia, "disabled by reason of any wound received or disease contracted while in the service of the United States and in the line of duty" should, on due proof, receive for the "highest rate of disability" the following pensions:

	Per month.
Lieutenant-colonels and all officers of higher rank	$30.00
Majors	25.00
Captains	20.00
First lieutenants	17.00
Second lieutenants	15.00
Noncommissioned officers and privates	8.00

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In case of the death of officer or soldier by reason of wounds or sickness contracted in the line of duty, the same pension was made payable to the widow, or if no widow, then to the children, subject to the condition that the pension should continue to the widow during her widowhood, or to the children till they severally reached the age of 16. Another scale of pensions was established for inferior rates of disability, and the law was also made applicable to the Navy.

TREASON AND SLAVERY.

July 17, an important law was passed relating to treason and slavery.

The first section enacted that any person adjudged guilty of the crime of treason should suffer death, or, at the discretion of the court, imprisonment for not less than five years, and a fine of not less than $10,000; in both cases his slaves were declared and made forever free.

The ninth section enacted that all slaves of persons engaged in aiding and abetting the Rebellion who should escape to the lines of the Army, should—

> be deemed captives of war, and shall be forever free of their servitude and not again held as slaves.

The tenth section forbade any slave escaping to another State or Territory, to be given up to his lawful owner except on condition that the owner had not borne arms against the Government, nor in any way given aid or comfort to the Rebellion. The same section also forbade any military or naval commander to give up any slave to his owner, or judge of the validity of the latter's title, on pain of being dismissed from the service.

The eleventh section looked to the military employment of the slaves or freedmen. It authorized the President—

> to employ as many persons of African descent as he may deem necessary and proper for the suppression of this Rebellion, and for this purpose he may organize and use them in such manner as he may judge best for the public welfare.

The same date, July 17, a second law[a] tended to promote the efficiency of the Regular Army.

The twelfth section placed it within the discretion of the President to retire any officer whose name had been borne on the Army or Navy register forty-five years, or who had reached the age of 62 years. In the Navy this discretionary law was soon superseded by another, which made retirement compulsory at 62 years of age.

In the Army this discretionary power, still vested in the President, is the source of much annoyance to the Executive, while its uncertain exercise, chiefly controlled by personal and political considerations, blocks promotion, keeps officers who are unfit for field service in high station, paralyzes instruction, and destroys the independence and manliness of character, which are alone compatible with the efficient and faithful performance of duty.[b]

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[a] Callan's Military Laws of the United States, p. 200.

[b] The Army Retiring Act of June 30, 1882, provides "that when an officer has served forty years, either as an officer or soldier in the regular or volunteer service, or both, he shall, if he makes application therefor to the President, be retired from active service and placed on the retired list, and when an officer is 64 years of age he shall be retired from active service and placed on the retired list." Military Laws of the United States (Davis).—EDITORS.

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The seventeenth section related to summary dismissals, and read—

That the President of the United States be, and hereby is, authorized and requested to dismiss and discharge from the military service, either in the Army, Navy, Marine Corps, or Volunteer force, in the United States service, any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismission would promote, the public service. [a]

The twenty-second and last section added 1 colonel, 2 lieutenant-colonels, and 9 majors to the Adjutant-General's Department, abolished the grade of captain, and as a further means of promoting efficiency and lessening favoritism, prescribed that all the vacancies in the grade of major should be filled by selection from among the captains of the Army.

For the want of such a law relative to the administrative departments, it is not uncommon to see first lieutenants made majors and paymasters over the heads of all the captains of the Army; second lieutenants in like manner have been made captains and quartermasters over the heads of all the first lieutenants. In such cases promotion has been gained not by any pretension to merit, but by the unscrupulous use of political influence.

MILITIA AND VOLUNTEERS.

The next law, approved July 17, reads like a chapter from the Journals of the Continental Congress during the darkest days of the Revolution. The two military committees which were primarily responsible for military legislation seemed incapable of profiting either by history or their own experience. Trust in the militia and a persistent adherence to short enlistments had bankrupted the Government in the struggle for independence; had led to Harmar's and St. Clair's defeats in the Indian wars of 1791; and more humiliating still, had led to the burning of Buffalo and the destruction of the capital in the war of 1812. To this policy, both impotent and extravagant, Congress again returned a fortnight after the close of the Seven Days' battle, at the very moment, too, that the Confederates were meditating their second advance upon Washington and the Potomac.

The first section of the law, looking to the States, authorized the President to call out the militia for any period not exceeding nine months.

It further provided that "if by reason of defects in existing laws or in the execution of them in the several States or any of them," it should be found necessary to "provide for enrolling the militia and otherwise putting this act into execution," the President should be authorized, "in such cases, to make all necessary rules and regulations," the enrollment to embrace all able-bodied male citizens between the ages of 18 and 45.

The second section prescribed that the militia when called into service should be organized in the mode prescribed by law for the volunteers.

A comparison of this law with the Constitution, will show that Congress, in declining to raise its own armies, again needlessly exposed the Government to a grave danger. The appointment of the officers of the militia was, by the Constitution, expressly reserved to the States; nevertheless, if any governors, through negligence or opposition refused to commission the officers, the law encouraged the President to

[a] Callan's Military Laws of the United States, p. 529.

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go over their heads by conferring upon him the fullest authority for enrolling the militia "and otherwise putting the act into execution."

The second section, under the constitutional right reserved to the States, implied a new army of raw troops, who, under State laws, could only be commanded by officers elected by their men. The mania for raw troops and short enlistments was not confined to the militia.

The third section, in addition to the million of volunteers previously authorized by law, empowered the President "to accept the services of any number of volunteers not exceeding 100,000, as infantry, for a period of nine months, unless sooner discharged," the said volunteers to receive, on being mustered into the service, one month's pay and a bounty of $25.

While patriotic men were thus encouraged to enlist in new regiments of militia and volunteers for the short term of nine months, the veteran regiments in the field were not wholly forgotten. For the purpose of filling their ranks the President was authorized "to accept the services of volunteers in such numbers as may be presented for that purpose for twelve months if not sooner discharged." These volunteers, who by association with veteran comrades would become the best of soldiers before the date of their discharge, were granted $50 bounty, a sum equal to half the bounty granted in 1861 to the patriot army which enlisted for three years.

The seventh section, for the speedy trial of minor offenses, substituted a field officer's court in place of the regimental and garrison courts-martial, the punishment inflicted by the sentence of a field officer not to exceed that inflicted by a regimental court-martial.

Although late in the day, the ninth and tenth sections authorized the creation of army corps, with a corps staff consisting of one assistant adjutant-general, one quartermaster, one commissary of subsistence, and one assistant inspector-general, each with the rank of lieutenant-colonel; the officers so assigned to be selected by the President from the regular or volunteer forces. Each corps commander was also allowed, on his own recommendation, three aids-de-camp, who also belonged to the corps staff—one with the rank of major, the other two captains—the officers so recommended to be appointed by the President and confirmed by the Senate.

The tenth section also prescribed that the senior officer of artillery of each army corps should, "in addition to his other duties, act as chief of artillery and ordnance at the headquarters of the corps," but it gave him no increased rank or command.

The eleventh section prescribed that all cavalry forces in the service of the United States should be organized into regiments of twelve companies each. The twelfth section authorized the President to organize and "receive into the service of the United States for the purpose of constructing entrenchments, or performing camp service, or any other labor, or any military or naval service for which they may be competent, persons of African descent," the persons so employed to receive, under the fifteenth section, one ration per day and ten dollars per month, three of which might be paid in clothing.

Among the resolutions of Congress in 1862, one wisely prescribed:

> That whenever military operations may require the presence of two or more officers of the same grade in the same field or department, the President may assign the command of the forces in such field or department without regard to seniority of rank.[a]

[a] Callan's Military Laws, p. 539.

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June 21, another resolution, national in its bearing, restored the former premium of $2 to any citizen or soldier who should present an acceptable recruit at any rendezvous for the Regular Army.

It has already been stated as an important objection to the State system, that volunteer officers and soldiers might expose themselves and perform deeds of valor for their country, but could not receive the reward of promotion except through the governors of their States.

Another resolution of July 12, provided a reward for enlisted men of the army and volunteers in the shape of "medals of honor." The first part of the resolution read:

That the President of the United States be, and he is hereby, authorized to cause two thousand "medals of honor" to be prepared, with suitable emblematic devices, and to direct that the same be presented, in the name of Congress, to such noncommissioned officers and privates as shall most distinguish themselves by their gallantry in action and other soldier-like qualities during the present insurrection.[a] * * *

The sum of $10,000 was appropriated to carry the resolution into effect.

Save the one law authorizing the President to seize the railroads and telegraphs, the military legislation of 1862, as compared with that of 1861, shows little or no increase of wisdom. Congress had not yet discovered the value of military training. It exercised the power to support armies, but the power to raise them it conferred on the governors. To its mind the volunteer and State systems meant one and the same thing. The idea still prevailed that the Union could be saved by the voluntary service of its citizens. Patriotism, notwithstanding the lesson of Bull Run, was esteemed above discipline. There was no need of careful instruction. The war would soon be over; and strong in this delusion the views of Congress, more than a year after the fall of Fort Sumter, found expression in a law which, could the President have executed it, would again have intrusted the destiny of the nation to raw troops raised by the States for the brief periods of nine and twelve months.

TROOPS RAISED IN 1862.

Before taking the field in 1862, the Army of 1861, by disease, death, discharge, detached service, and desertion, had been reduced in effective strength to about one-half or two-thirds. Its recruitment, too, had been unfortunately stopped by the order of April 3, which nearly put an end to individual volunteering. The patriotic governors, who, through the system of State and General Hospitals, had been the blind instruments of promoting absenteeism and desertion, were the first to propose a call for more troops. In a joint letter dated the 28th of June, they wrote the President:

* * * We respectfully request, if it meets with your entire approval, that you at once call upon the several States for such number of men as may be required to fill up all military organizations now in the field, and add to the armies heretofore organized such additional number of men as may, in your judgment, be necessary to garrison and hold all of the numerous cities and military positions that have been captured by our armies. * * * All believe that the decisive moment is near at hand, and to that end the people of the United States are desirous to aid promptly in furnishing all reenforcements that you may deem needful to sustain our Government.[b]

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[a] Callan's Military Laws, p. 540.

[b] Report of the Provost-Marshal-General, vol. 2, p. 103.

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July 1, the President replied:

> Fully concurring in the wisdom of the views expressed to me in so patriotic a manner by you, in the commuication of the 28th day of June, I have decided to call into the service an additional force of 300,000 men. I suggest and recommend that the troops should be chiefly of infantry. [a]

There was not a defect or inconsistency in our military system which the critical year of 1862 did not fully disclose.

So far as the danger to liberty was concerned, the President was vested with all the authority of a despot. He could suspend the writ of habeas corpus, could bring citizens to trial before military commissions and courts-martial, or, declining to give a reason, could shut them up within the walls of a fortress till he saw fit to release them.

While a state of war, under the Constitution, gave the President this power over the personal liberty of the citizens, the law gave him no power to place a citizen in the ranks of the Army. This inconsistency was revealed by the response to the call for 300,000 volunteers. The proposition of the governors was first to call upon the States for such numbers of men as might be necessary to fill up all military organizations in the field, and then "add to the armies heretofore organized such additional number of men" as in the judgment of the President might be necessary. The President, too, probably recognizing the worthlessness of untrained cavalry, recommended "that the troops should be chiefly of infantry."

But the President was not master of the situation. He had been committed by the laws to the voluntary system, based on the cooperation of the States, and was bound to stand by it until it should be abandoned or involve the Government in ruin.

The liberty of the citizen was in the hands of the President, but the destiny of the nation for the time being was in the hands of the citizen. Naturally averse to military restraint—a feeling common to all men and too often mistaken for devotion to liberty—the citizen in 1862 could see little or no distinction between the Regular and Volunteer Armies then in the field. He did not stop to think that their officers knew how to lead them to battle and to care for the food and health of their men. Reports spread by deserters had made the discipline of both appear obnoxious, and to enlist in either, although recruiting parties had been sent back to their States, was scarcely to be thought of.

The former system, therefore, had again to be revived. The old regiments were left to depletion, the governors again granted commissions for recruiting, and, with a success unparalleled in history, a second patriotic army sprang into existence, numbering 421,465 men.

In competition with the new regiments, the total number of men procured for the old regiments from the date of the above call till the 1st of December was 49,990.[b]

In the organization of the new regiments we have an additional proof that so long as governors are permitted to issue commissions to volunteers, military merit can never be rewarded. Every State had then in the field hundreds of officers who were qualified by experience to command the new troops, but who were necessarily absent from their States; and no longer exerting political influence at home, their chances for promotion were no better than so many officers of the Reg-

[a] Report of the Provost-Marshal-General, vol. 2, p. 103.
[b] Report of the Secretary of War, December 1, 1862.

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ular Army. Worse than denying them promotion, those who remained faithfully at their posts had the mortification of seeing many worthless officers, who had been dismissed or compelled to resign, come back to the field with increased rank and command.

At this period of the war, no governor could afford to be unpatriotic. The State system of raising troops was a subsidy, not to the people but to their governors. Magnified in their positions, contrary to the express provisions of the Constitution, every facility was granted them for extending their personal and political influence. Besides the military patronage, which deprived the Government of the means of rewarding deeds of valor, they were given also the keys of the national Treasury. Until mustered into service, their power over the new regiments was absolute. General Orders, No. 75, of July 8, issued by the Secretary of War, without quoting the authority of the President, forbade officers to be mustered into the service except "on the authority of the governor of the State to which their regiments belong."

The transportation of all persons traveling under the orders of a governor on business connected with recruiting, was paid by the Government on presentation of the proper vouchers.

The third paragraph of the order began—

> Until regiments are organized and their muster rolls completed, they will be under the exclusive control of the governors of the States.

The same paragraph made every contract entered into by the State agents for the subsistence of the troops valid, and directed that they be allowed on condition of being approved by the governors. They could also furnish quartermaster, medical, and ordnance stores, but if not convenient to do this, the fourth paragraph of the order provided:

> Where it is desired by the governors of States, the United States officers of the Quartermaster, Medical, and Ordnance Departments may turn over stores to the State authorities, to be issued by them in accordance with the regulations, and accounted for to the proper bureau of the War Department.

The new army raised in this extravagant manner, while the depletion of the veteran regiments was suffered to continue, was organized into 346 regiments of infantry, 44 regiments of cavalry, 12 regiments of heavy artillery, 24 independent companies of infantry, 1 battalion of heavy artillery, and 57 batteries of light artillery.

The attentive reader will not fail to observe that the Government was not merely a slave to the volunteer system in permitting the organization of new regiments. The men enforced a choice in reference to the arms of service. In the Army of 1861 there were 82 regiments of cavalry, which, fully recruited and mounted, would have exceeded 98,000. Notwithstanding this fact, so difficult was it to get horses, that less than five hundred men were fit for effective service during the campaign of the Second Bull Run. It was also reported that in many companies there were not more than five horses which could be got out of a walk. Other nations had proved to their own satisfaction that to make good cavalry required from two to five years, but we did not seek to profit from their experience or even our own.

The Government could not afford to decline any species of troops, and hence when the governors reported that they had raised 44 regiments of cavalry, aggregating in the maximum more than 50,000, it could do nothing less than accept them.

While the failure to recruit the old army and the creation of the new one, scarcely increased the military strength of the Union, a glance

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at the composition of the two armies will show how rapidly the Government was hastening toward bankruptcy. Both fortunately enlisted for three years. They aggregated, exclusive of independent battalions, batteries, and companies, 906 regiments of infantry, 126 regiments of cavalry, and 27 regiments of light and heavy artillery.

The number of independent batteries of light artillery in the two armies was 186, equivalent to 15 regiments of 12 batteries each.

Our boasted economy in time of peace vanishes in contemplating the military establishment of 1862. Casting aside the Regular Army, the infantry of the volunteer forces exceeded the present Russian Field Army on a war footing by 237 battalions. The cavalry, the vast majority of which was useless till 1863, exceeded the total field, depot, and reserve cavalry of the Russian Regular Army by 965 squadrons.

The infantry of the regular field army of the Russian Empire on a war footing numbers 669 battalions; including all the reserve and depot troops it numbers 1,036½ battalions. The cavalry, including the reserve and depot cavalry, numbers 547 squadrons, of 128 men each.[a]

The 126 regiments of volunteer cavalry numbered 1,512 companies, with a maximum organization of 104 officers and men each—a force which could it have been fully equipped would have been nearly three times as great as that maintained by any government in Europe.

The chief service rendered by the Army of 1862 was to enable the veteran troops to recover the ground so needlessly lost at the beginning of the campaign.

Called out too late to actively participate, except in the closing battles of the year (Fredericksburg and Murfreesboro), the Government, in consequence of the ignorance and inexperience of the new officers, was compelled to maintain a second army in a state of training for the period of eight months.

The creation of this army only increased the demand for more men. Instead of coming from 600 regiments, requisitions for recruits now came from more than a thousand, and to these requisitions the War Department was powerless to respond.

In the meantime depletion had been reduced to a system. The Surgeon-General, independent of military commanders, was powerless in the hands of the governors. It mattered not where a General Hospital was located, the moment a soldier stepped within its inclosure an agent stood ready to spirit him away, first to his State and then to his home. Thus contented to take what the governors would offer, and give back all they asked, the Government drifted to the vortex of a maelstrom which—though the Government itself might escape—was destined to engulf the entire military and financial resources of the people. While this result might have been predicted by any student of the Revolution and the War of 1812, both the Cabinet and Congress preserved their faith in a confederate policy.

The call for the 300,000 volunteers for three years was issued, as we have seen, on the 2d of July, but Congress, preferring short enlistments, passed two weeks later the law of July 17, encouraging the President to fall back on the militia and volunteers for the term of nine months. The authority for the volunteers the President did not use, but responding to the sense of Congress he made another effort to save the Union through the aid of the States.

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[a] Almanach di Gotha, 1879, p. 820.

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August 4, but five days before the advance guard of the Confederate Army, on its way to Manassas, appeared at Cedar Mountain, the President ordered—

> that a draft of 300,000 militia be immediately called into the service of the United States, to serve for nine months, unless sooner discharged. [a]

The duty of assigning quotas and establishing regulations for the draft was devolved upon the Secretary of War. The second paragraph of the order directed that in case any State should fail to furnish its quota of the 300,000 volunteers by the 15th of August, the deficiency should be made up by a special draft from the militia. While Congress itself in several of its laws during the Rebellion did not recognize the volunteers as militia, thereby implying that the governors had no constitutional right to appoint their officers, it cannot be denied that the appointment of the officers of militia is expressly reserved to the States.

It is also well known that, completely subversive of discipline, the militia as voluntary organizations in each State are permitted the privilege of electing their officers—a privilege which was accorded to the volunteers in the law of July 22, 1861, but repealed by the law of August 6, 1861.

In both cases, however, the commission was issued by the governors. With these facts apparent, and the further knowledge that the governors, by the last two calls, had just been granted the authority to issue commissions to armies aggregating 600,000 men, the last paragraph of the President's order relating to rewards for distinguished services might better have been omitted. Utterly powerless to enforce it, the paragraph read:

> Regulations will be prepared by the War Department, and presented to the President, with the object of securing the promotion of officers of the Army and Volunteers for meritorious and distinguished services, and of preventing the nomination or appointment in the military service of incompetent or unworthy officers. The regulations will also provide for ridding the service of such incompetent persons as now hold commissions in it. [a]

It will be remembered that, on the plea of economy, the President and Cabinet in 1814 declined to establish a military camp, and also refused to permit the commander to call out the militia until a few days before the destruction of the capital, when out of 15,000 called for, but 1,800 responded. [b]

In returning substantially to the same policy, the futile efforts to enforce a draft for 300,000 militia in 1862, when the main Confederate Army was again marching upon Washington, demands that all the difficulties in the way be fully considered.

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[a] Report of the Provost-Marshal-General, vol. 2, p. 104.

[b] As the approach of the British forces was heralded the President called a Cabinet council on July 1, and it was agreed to form a great military camp for the protection of Washington, to consist of two or three thousand regular troops and 10,000 militia. Actually the President issued a call for 93,000 militia from the several States, most of whom were permitted to remain at their homes, subject to call in case of emergency.

In official orders there appeared to be a force of 15,000 militia for the defense of Washington, but on the 1st of August, General Winder was compelled to report that he had only 1,000 regulars, and 4,000 militia enrolled for active service, a large part of the latter being still at their homes. On August 23, when mustered by the President, the so-called army for the defense of Washington consisted of 1,400 regulars (400 horse, 400 regular infantry, and 600 marines) and but 1,800 militia. Before the battle of Bladensburg this force was augmented by a brigade of militia from Baltimore.—EDITORS.

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The preamble to the Constitution establishes the broad republican principle that all the powers of government, whether national or State, are derived directly from the people. The Constitution further declares that for the purpose of war, foreign or domestic, absolute sovereignty is vested in the general Government. This principle, so vital to our independence as a nation, being admitted, an extreme nationalist might claim that under the authority "to provide for calling forth the militia" Congress in any great emergency would have the right to place the governors of States under the direct orders of the President. But far from adopting a policy which, as in 1812 and also in 1861, might invite a conflict between the Government and some of the States, Congress in 1795 went to the other extreme.

It mattered not whether the militia were wanted to execute the laws of the Union, repel invasion, or to suppress an insurrection against the authority of a State whose legislative or executive power had applied for assistance, the law of 1795, as if anticipating future conflicts, did not require the President to recognize the governors as even the channels of communication with their own subordinates. If he wanted a battalion, a regiment, brigade, or division, the law did not require him to set forth the necessity to the executives of the States, but authorized him to send his orders directly to the militia commanders. The first section of the law, which conveyed this authority, read:

* * * That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders, for that purpose, to such officer or officers of the militia as he shall think proper.[a] * * *

Although the governors were the commanders in chief of their respective militia, except when called into the service of the United States, the law in times of military emergency did not leave the members of the militia in doubt as to whom they should obey.

The fifth section prescribed:

That every officer, noncommissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such noncommissioned officers and privates shall be liable to be imprisoned by a like sentence, on failure of the payment of fines adjudged against them, for one calendar month, for every five dollars of such fine.[b] * * *

The spirit of this law which is still in force, sections 1642 and 1649, Revised Statutes, was observed in all the orders relating to the suppression of absenteeism issued in 1862. The governors in no instance were ordered, but were requested to lend their assistance.[c]

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[a] Callan's Military Laws, p. 108.

[b] Callan's Military Laws, p. 109.

[c] While these sections of the Revised Statutes were repealed by the recent Militia Law approved January 21, 1903, section 7 of the latter law prescribes: "That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer, upon being called forth as herein prescribed, shall be subject to trial by court-martial, and shall be punished as such court-martial shall direct."—EDITORS.

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In the regulations relating to the draft all this was changed. They were simply regarded as so many military satraps subject to the commands of the President and Secretary of War.

The regulations for the execution and enforcement of the draft, promulgated in General Orders, No. 99, August 9, 1862, read:

> The governors of the respective States will proceed forthwith to furnish their respective quotas of 300,000 militia called for by the order of the President, dated the 4th day of August, 1862. * * * The governors of the several States are hereby requested forthwith to designate rendezvous for the drafted militia of said States, and to appoint commandants therefor and to notify the Secretary of War of the location of such rendezvous and the names of the commandants. It is important that the rendezvous should be few in number, and located with a view to convenience of transportation. The governors of the respective States will cause an enrollment to be made forthwith by the assessors of the several counties, or by any other officers to be appointed by such governors, of all able-bodied male citizens between the ages of 18 and 45, within the respective counties, giving the name, age, and occupation of each, together with remarks showing whether he is in the service of the United States, and in what capacity, and any other facts which may determine his exemption from military duty.
>
> All reasonable and proper expenses of such enrollment, and of the draft hereinafter provided, will be reimbursed by the United States. * * * Where no provision is made by law in any State for carrying into effect the draft hereby ordered, or where such provisions are in any manner defective, such draft shall be conducted as follows:
>
> * * * * * * *
>
> The governors of the several States shall appoint a commissioner for each county of their respective States, whose duty it shall be to superintend the drafting and hear and determine the excuses of persons claiming to be exempt from military duty. Such commissioner shall receive a compensation of $4 per diem for each day he may be actually employed in the discharge of his duties as such commissioner. * * *
>
> 9. As soon as the draft has been made and the names marked on the enrollment list, the commissioner will send a copy of the draft to the commandant of rendezvous, and another of the same to the adjutant-general of the State, who will immediately organize the drafted men into companies and regiments of infantry, by assigning 101 men to each company, and 10 companies to each regiment, and send a copy of the organization to the commandant of the rendezvous.
>
> 10. At the expiration of the time allowed for the drafted men to reach the rendezvous, the commandant shall proceed to complete the organization of the companies and regiments by proclaiming the names of the regimental commissioned officers, which shall be designated in accordance with the laws of the respective States, the number and grade being the same as in the volunteer service; and in case the laws of any State shall provide for the election of officers, they shall be elected under the direction of the commandant of the rendezvous.[a] * * *

Provost-marshals were therefore appointed by the War Department in the several States, on the nomination of the governor thereof, such assistants as might be necessary to enforce the attendance of all drafted persons who should fail to attend at such places of rendezvous.[b]

While the governors, who took no exception to this order, were as earnest in their determination to suppress the Rebellion as the soldiers in the front line of battle, let us see in how many ways under the foregoing regulations it was in the power of these eighteen loyal men to absolutely defeat the Government.

First. They could have refused to furnish their quotas, and could not have been compelled to do so except through military coercion and civil war.

Second. They could have declined to designate rendezvous and appoint their commandants.

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[a] Report of Provost-Marshal-General, vol. 2, pp. 105, 106.
[b] Ibid., vol. 2, pp. 105, 106, 107.

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Third. They could have refused to make or permit the enrollment.

Fourth. Had an enrollment already been made, as required by the law of 1792, they could have declined to appoint the commissioners to determine cases of exemption.

Fifth. Had no rendezvous been designated and no commandants and commissioners been appointed, it is manifest that however anxious the people might have been to save the Republic, there would have been no place for them to organize or assemble.

Sixth. Had the people voluntarily assembled, the governors could have prevented their organization by declining to issue commissions to their officers.

Seventh. Had they been believers in the fallacy of "State sovereignty," they could have refused to nominate provost-marshals who, as Government agents, they might have denounced as conspirators against the liberty of the people. But the folly and danger of the State system may better be established by its application to disloyal governors.

At the date the order was issued the Union and Confederate armies were hastening to the second battle of Bull Run. A crisis was approaching. Eighteen of the governors were the recognized champions of the Union; 10 others, although ignored by the laws of the Confederacy in the matter of raising troops, were exerting all the influence and power of their station to insure the triumph of Rebellion. Had the fate of the Republic in the approaching battle depended on the presence of militia, what response would these 10 disloyal governors have made to this call for 300,000 men? What would have been the effect if any or all the loyal governors had told the Government that, having furnished volunteers by the hundred thousand, they would neither aid nor assent in the execution of a draft? Pertinent to the situation, these questions we leave to be answered by those who still advocate the Confederate system.

The effort to assemble a grand army of militia ended as might have been expected. The draft was nowhere executed, but instead, 72 regiments of volunteers, credited as drafts, and aggregating 87,000 men, were permitted to be raised for the period of nine months. Called out, but as usual not organized till after the crisis had passed, recruited to the prejudice of the three year volunteers, too undisciplined to be trusted in the autumn campaign of 1862, these regiments with their inexperienced officers were maintained through the winter at the same expense as veteran troops, only to claim their discharge at the opening, or, as it often happened during the Revolution, at the middle of the ensuing campaign. Profitless as was the experiment, it, nevertheless, conveyed a valuable lesson. The war was slowly educating our statesmen. The word "draft" or "conscription" had been uttered by the President. More hopeful still, the conviction was growing that we were no longer a confederacy, but a nation. The people saw that liberty must survive or perish with the Union, and to save both they began to urge upon Congress a declaration of the broad republican principle, that every American citizen owes his country military service.[a]

[a] Under the act of Congress reorganizing the militia (approved January 21, 1903), it is prescribed that the latter shall be divided into two classes—the organized militia or National Guard, and the remainder to be known as the reserve militia.—EDITORS.

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CHAPTER XXX.

MILITARY POLICY OF THE CONFEDERATE STATES OF AMERICA.

THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF AMERICA.[a]

At a Congress of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, begun and holden at the capital in Montgomery, in the State of Alabama, on the fourth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and thence continued by divers adjournments until the eighth day of February, in the same year.

We, the deputies of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby in behalf of these States, ordain and establish this Constitution for the provisional government of the same; to continue one year from the inauguration of the President, or until a permanent constitution or confederation between the said States shall be put in operation, whichsoever shall first occur.

ARTICLE I.

SECTION 1. All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

SEC. 2. When vacancies happen in the representation of any State the same shall be filled in such manner as the proper authorities of the State shall direct.

SEC. 3. (1) The Congress shall be the judge of the elections, returns, and qualifications of its members; any number of deputies from a majority of the States being present shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members; upon all questions before the Congress each State shall be entitled to one vote, and shall be represented by any one or more of its deputies who may be present.

SEC. 4. The members of Congress shall receive a compensation for their services to be ascertained by law and paid out of the treasury of the Confederacy.

SEC. 6. (1) The Congress shall have power to lay and collect taxes, duties, imposts, and excises, for the revenue necessary to pay the debts and carry on the government of the Confederacy, and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.[b]

The other clauses of this section, viz, (2) to borrow money; (3) to regulate commerce; (4) to establish a uniform rule of naturalization, and uniform laws relating to bankruptcy; (5) to coin money; (6) to provide for punishment of counterfeiting the coin and currency of the Confederacy; (7) to establish post-offices and post roads; (8) to promote science; (9) to constitute tribunals inferior to the supreme court; (10) to punish piracies and offenses against the law of nations; (11) to

[a] Matthew's Constitution and Statutes of Confederate States of America, p. 1.

[b] To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties imposts, and excises shall be uniform throughout the United States. (Hickey on the Constitution of the United States, sec. 8, p. 8.)

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declare war; (12) to raise and support armies; (13) to provide and maintain a navy; (14) to make regulations for the land and naval forces; (15) to provide for the calling forth of the militia; (16) to provide for organizing, arming, and disciplining the militia, were identical with the same clauses in section 8, Article II, Constitution of the United States, substituting the word "Confederacy" for "United States;" (17) to make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this constitution to this provisional government; (18) the Congress shall have power to admit other States; (19) the Congress shall also exercise executive powers, until the President is inaugurated.[a]

SEC. 7. * * * (17) The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. (18) The powers not delegated to the Confederacy by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

These clauses are identical with articles 9 and 10, amendments to the Constitution of the United States.

PROHIBITED POWERS.

Clause 1, section 8, Article II, identical with clause 1, section 10, Article I, Constitution of the United States.

Clause 2, relating to imposts or duties to aid execution of inspection laws, identical with clause 2, section 10, Article II, Constitution of the United States.

Last part of clause 2, corresponding to clause 3, section 10, Article II, Constitution of the United States, reads:

No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

EXECUTIVE POWER.

ARTICLE II.

SECTION 1. (1) The executive power shall be vested in a President of the Confederate States of America. He, together with the Vice-President, shall hold his office for one year, or until this provisional government shall be superseded by a permanent government, whichsoever shall first occur.

(2) The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

* * * * * * *

ARTICLE V.

(1) The Congress, by a vote of two-thirds, may, at any time, alter or amend this constitution.

Adopted by the unanimous consent of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana.

March 2, the Confederate Congress authorized Texas deputies to sign the provisional constitution.

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[a] To make all laws which shall be necessary and proper for the carrying into execution the foregoing powers and all other powers vested by this constitution in the Government of the United States or in any department or officer thereof. (Hickey on the Constitution of the United States, sec. 8, p. 10.)

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THE PERMANENT CONSTITUTION OF THE CONFEDERATE STATES.

The provisional Constitution remained in force until March 14, 1861, when the permanent Constitution of the Confederate States of America was adopted as follows:

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish this Constitution for the Confederate States of America.

* * * * * * *

SECTION 8. (1) To lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts, provide for the common defense and carry on the government of the Confederate States; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign countries be laid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

* * * * * * *

(3) To regulate commerce with foreign nations, and among the several States, and with the Indian tribes, but neither this nor any other clause contained in the constitution shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce, except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases such duties shall be laid on the navigation facilitated thereby as may be necessary to pay the costs and expenses thereof.

* * * * * * *

(7) To establish post-offices and post-roads; but the expenses of the post-office department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.

* * * * * * *

Clauses 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 were identical with the same clauses in section 8, Article II, Constitution of the United States, substituting "Confederate States" for "United States."

Prohibited powers, section 10, Article II, clauses 1 and 2, were the same as the same clauses, same section, Constitution of the United States.

Clause 3, differing from the corresponding clause in the provisional constitution (prohibiting troops, ships, etc.), was identical with clause 3, Constitution of the United States, substituting "Confederate States" for "United States." This clause, also, gave States subject to control of Confederate States, Congressional right to impose duties on sea-going vessels for purpose of improving river navigation; also, two or more States could enter into a compact to improve common river navigation.

ARTICLE II.

SECTION 1. (1) The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years, but the President shall not be reeligible. The President and Vice-President shall be elected as follows:

* * * * * * *

SECTION 2. (3) The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. * * *

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ARTICLE VII.

(1) The ratification of the convention of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

* * * * * * *

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, sitting in convention at the capital, in the city of Montgomery, Ala., on the 11th day of March, in the year 1861. * * *

Both provisional and permanent Constitutions were adopted by unanimous votes of all the Deputies from the States.

FIRST SESSION PROVISIONAL CONGRESS.

The first session of the Confederate Provisional Congress began at Montgomery, Ala., February 4, 1861, and ended March 16, 1861. Jefferson Davis, President; Alexander H. Stephens, Vice-President of the Confederate States; Howell Cobb, President of the Congress.

The first law passed by the provisional Congress, approved February 9, contained all laws of the United States in force which were not inconsistent with the constitution of the Confederate States. February 20 (date always relates to date law was approved), the first preparations for war were made by authorizing "the President or the Secretary of War, under his direction," to make contracts for the purchase or manufacture of heavy ordnance, small arms, powder, and other munitions of war. The last clause prescribed:

The President is authorized to make contracts provided for in this act, in such manner and on such terms as in his judgment the public exigencies may require.

February 21, the War Department was created, the chief officer being called the Secretary of War. The second section of the law prescribed his duties as follows:

That said Secretary shall, under the direction and control of the President, have charge of all matters and things connected with the army, and with the Indian tribes within the limits of the Confederacy, and shall perform such duties appertaining to the army and to said Indian tribes as may from time to time be assigned to him by the President.

The Navy Department was created the same day, the Secretary of the Navy having same powers as the secretary of war.

February 26, an act was passed establishing and organizing a General Staff for the Army of the Confederate States, which was made to consist of an Adjutant and Inspector-General's Department, Quartermaster-General's Department, Subsistence Department, and Medical Department.

The Adjutant and Inspector-General's Department consisted of 1 colonel, Adjutant and Inspector-General; 4 majors; Assistant Adjutants-General; 4 captains, Assistant Adjutants-General.

The Quartermaster-General's Department consisted of 1 colonel-Quartermaster-General; 6 majors, quartermasters; assistant quarter, masters, as many as necessary, to be detailed from the line, with extra compensation of $20 per month; all quartermasters to perform in addition the duties of paymasters.

The Commissary-General's Department consisted of 1 colonel, commissary-general; 4 captains, commissaries; assistant commissaries, as many as necessary, to be detailed from the line with extra pay of $20 per month; assistant quartermasters and assistant commissaries to be

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subject to duty in both Departments at the same time, receiving extra pay only in one department.

The Medical Department consisted of 1 Surgeon-General, colonel; 4 surgeons, majors; 6 assistant surgeons, captains; and as many more assistant surgeons as the service might require to be employed by the war department with the pay of assistant surgeons.

The officers of the Adjutant-General's, Quartermaster-General's, and Commissary-General's Departments were eligible to command, according to rank, but could not assume command of troops unless put on duty for that purpose by special authority of the President.

February 28, the President of the Confederate States was authorized to borrow, on the credit of the Confederate States, not exceeding $15,000,000, interest semiannual at 8 per cent. An export duty of one-eighth of 1 per cent per pound on all cotton (raw) exported from the Confederate States, imposed and pledged the payment of interest and principal of bonds.

PROVISIONAL ARMY OF THE CONFEDERATE STATES.

February 28, it was enacted,

That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defense the President be, and he is hereby, authorized and directed to assume control of all military operations in every State, having reference to or connection with questions between said States, or any of them, and powers foreign to them.

The second section authorized the Confederate President to receive from the States all arms and munitions of war—

"acquired from the United States and which were in the forts, arsenals, and navy-yards of the said States."

The third section, apparently recognizing the sovereignty of the States, gave them, by means of withholding their consent, the power to obstruct individual volunteering. It likewise legalized the standing evil of our system—short enlistments.

The section prescribed—

That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their State, in such numbers as he may require, for any time, not less than twelve months, unless sooner discharged.

These forces, unlimited in numbers, were to be received, with their officers, by companies, battalions, or regiments, and when received were to form a part of the Provisional Army of the Confederate States, the Confederate President, being granted authority—

to appoint, by and with the consent of Congress, such general officer or officers for said forces

as might be necessary for the service.

The next law, passed March 6, 1861, entitled—

An act to provide for the public defence,

looked to the contingency of war. The first section prescribed—

That in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the Confederate States of America, and to ask for and accept any number of volunteers, not exceeding 100,000, who may offer their services, either as cavalry, mounted riflemen, artilley, or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged.

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The second section extended the term of the militia when called into service to a period not exceeding six months. The third and fourth sections prescribed that the volunteers should furnish their own clothing and horses; that they should be governed by the Articles of War, and that on being called into actual service, instead of clothing, every enlisted man should be entitled to a sum of money equal to the cost of clothing of an enlisted man "in the Regular Army of the Confederate States."

The first and fifth sections taken in connection reversed the essential features of the law of February 28. The first section, as will be seen above, deprived the States of the power to prevent individual volunteering, but the fifth conferred upon them, in derogation of the sovereign powers of the Confederate government, the authority to appoint officers, "in the manner prescribed by law in the several States." These troops officered by election, as in the militia, when inspected, mustered, and received into the service of the Confederate States, were to be regarded in all respects as a part of the army of the said Confederate States. The seventh section, throwing upon the enlisted men the responsibility of keeping themselves mounted, each to receive 40 cents per day for the use and risk of his horse, prescribed that, if any volunteer did not keep himself provided with a serviceable horse he should serve on foot.

To provide a suitable staff for the troops called into the service, the ninth section authorized the Confederate President to appoint, by and with the consent of Congress, as many additional officers in each of the authorized staff departments as the service might require, "not exceeding one quartermaster and commissary in each brigade with the rank of major, and one assistant quartermaster with the rank of captain, one surgeon and one assistant surgeon for each regiment. These officers were to remain in service only so long as their services might be required "in connection with the militia or volunteers."

It will be seen from this law that, on the principle of expansion, the additional officers became members of the regular staff departments, and that these departments were thus enabled to direct and control the vast labor of administration throughout the entire war. This law, it will be observed, applied only to the Quartermaster, Commissary, and Medical Departments, no Ordnance Department being yet created. The Adjutant-General's Department, the Department which, in all well-regulated services, is composed of officers specially educated, and capable not only to assist commanding generals, but also able to direct the operations of corps and armies, was ignored, and left to consist of nine officers allowed by the act of February 26. The foregoing laws, except the one regulating the General Staff, related to the Provisional Army of the Confederate States.

THE REGULAR ARMY OF THE CONFEDERATE STATES.

The regular army was not created until the act of March 6, which prescribed in its first section:

> That from and after the passage of this act, the military establishment of the Confederate States shall be composed of one corps of engineers, one corps of artillery, six regiments of infantry, one regiment of cavalry, and of the staff departments already established by law.

The second section established the corps of engineers, which was to consist of one colonel, four majors, five captains, and one com-

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pany of sappers and miners numbering one hundred enlisted men. This company was to be commanded by a captain of engineers, the lieutenants to be detailed from the line. The fifth section made the "corps of artillery," which was also "charged with ordnance duties," consist of one colonel, one lieutenant-colonel, ten majors, and forty companies of artillerists and artificers; each company to consist of one captain, two first lieutenants, one second lieutenant, four sergeants, four corporals, two musicians, and seventy privates. The adjutant of the corps was to be selected from the lieutenants. Four of the companies in time of peace could be equipped as light batteries with six guns each.

The infantry and cavalry regiments had three field officers and ten companies each. In the supposed interest of economy the adjutants of artillery, infantry, and cavalry, instead of being extra lieutenants, were to be selected from the subalterns of the corps or regiments. A company of infantry consisted of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, two musicians and ninety privates.

Each cavarly company consisted of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, one farrier, one blacksmith, two musicians, and sixty privates.

The eighth section authorized four Brigadier-Generals, with one aid-de-camp, each selected from the subalterns of the line. Promotion in the infantry was to be regimental, including the grade of colonel. In the artillery, engineers, and the staff departments it was by corps or department. The pay and allowances of the Army were based substantially on those of the United States Army. The command of the Army, pursuant to the provisional Constitution, was retained strictly in the hands of the Confederate President.

Section 26 prescribed:

> The officers appointed in the Army of the Confederate States by virtue of this act shall perform all military duties to which they may be severally assigned by authority of the President, and it shall be the duty of the Secretary of War to prepare and publish regulations prescribing the details of every department in the service, for the general government of the army, which regulations shall be approved by the President, and when so approved shall be binding.[a]

The twenty-ninth section adopted the Articles of War of the United States, except two, substituting for "United States," "Confederate States." The articles rejected referred to brevets and to the exercise of command, when corps of different arms meet on the march. This army, which, except so far as the officers were concerned was never raised, gave another proof that no regular army can ever be successfully recruited in competition with a force of volunteers.

March 9, a law authorized "Treasury notes to be issued for such sum or sums as the exigencies of the public service may require, but not to exceed at any time one million of dollars." The denomination of the notes was not to be less than $50, the notes to be receivable for all government dues, except the export on cotton, and after the expiration of one year to bear interest at the rate of 1 cent a day for each $100 issued. March 11, the sum of $1,323,766.72 was appropriated for the support of men for twelve months, to be called into service at Charleston, S. C. The additional sum of $860,228.45 was appropri-

[a] C. S. A., sec. 26, p. 51.

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ated for the support of 2,000 additional troops, to be called out for twelve months for service at Charleston, whenever they might be required.

The same day, by another act, the sum of $6,533,760 was appropriated for the support of the Regular Army of the Confederate States for twelve months. March 12 the sum of $5,000,000 was appropriated for the support of such volunteers as might be called into service under the "act to provide for the public defense," approved March 6.

March 14, the General Staff, as first organized by the act of February 26, was reorganized as follows: The Adjutant and Inspector-General's Department to consist of: 2 lieutenant-colonels (assistant adjutants-general), 2 majors (assistant adjutants-general), 4 captains (assistant adjutants-general).

The second section allowed another brigadier-general in addition to the four already authorized in the Regular Army, any one of the five, at the discretion of the Confederate President, to be assigned to duty as adjutant and inspector-general.

The third section changed the organization of the Quartermaster-General's Department from 1 colonel and 6 majors to 1 colonel (Quartermaster-General), 1 lieutenant-colonel (Assistant Quartermaster-General), 6 majors (quartermasters), 4 majors (assistant quartermasters), an increase in all of 5 officers; subalterns, as before, to be detailed from the line.

The fourth section changed the organization of the Commissary-General's Department from 1 colonel and four captains to 1 colonel (Commissary-General), 1 lieutenant-colonel (commissary), 1 major (commissary), 3 captains (commissary), an increase of 1 officer; subalterns, as before, to be detailed from the line. In each of these laws it will be observed that the military legislators sought to economize in the staff, at the expense of the troops.

The fifth section of this law for the reorganization of the staff deserved special attention. Mindful of the value of the trained officers, which our Government daily permitted to resign, knowing that they intended to join the Rebellion, the Confederate Congress enacted:

> That in all cases of officers who have resigned or who may within six months tender their resignations from the Army of the United States, and who have been or may be appointed to original vacancies in the army of the Confederate States, the commissions issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the United States Army held anterior to the secession of these Confederate States from the United States.

This section, enacted after the inauguration of Mr. Lincoln, nearly one month before Fort Sumter was fired upon, should have been sufficient to indicate to the Government the proper policy it ought to have pursued in reference to the officers who began to tender their resignations.

If the above laws should appear on their face crude and inadequate, it should be remembered that during the first session of the provisional Congress, which began February 4 and terminated March 16, the deputies of the assumed sovereign and independent States had other matters to attend to than the public defense. In the brief space of thirty-three working days they adopted a provisional and a permanent Constitution, elected a President, established Executive Departments, and passed all the laws essential to the inauguration and support

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of a government which was destined to wield a power over the lives and prosperity of its citizens scarcely surpassed by the strongest despotisms of the Old World.

SECOND SESSION PROVISIONAL CONGRESS.

The second session of the Confederate Provisional Congress began at Montgomery, Ala., April 29, 1861, and ended May 22, 1861.

The first act of the second session of the Provisional Congress, May 3, authorized the Confederate President to appoint as many chaplains for the Confederate Army as he might deem expedient, the chaplains to receive $85 per month and to be mustered out at the close of the war. May, 4 a regiment of zouaves of ten companies was added to the regular Confederate Army. May 6, an act was approved recognizing the existence of war between the United States and the Confederate States and authorizing the Confederate President to use the whole land and naval forces of the Confederate States to meet the war thus commenced and to issue to private armed vessels letters of marque and general reprisal.

May 8, abandoning the principle of short enlistments, the Confederate President was authorized, without regard to the place of enlistment, to accept, "for and during the existing war, unless sooner discharged," as many volunteers of all arms as he might deem expedient.

The second section of the law asserted the right of the Confederate President to appoint all the field and staff officers, and company officers to be selected by the enlisted men.

The vicious principle of election, which was thus for the first time sanctioned in a Confederate force raised independently of the States, was also extended to filling every vacancy in each company. If this occurred in the grade of captain, a second lieutenant who curried favor with the men might be jumped over the head of the first lieutenant, or a popular sergeant might be advanced over both.

March 10, the Confederate President was authorized to receive such companies of light artillery as might volunteer their services.

March 11, an act was approved to make further provision for the public defense.

EXISTENCE OF WAR RECOGNIZED.

The preamble and first section, which utterly ignored the sovereignty of States, were as follows:

> Whereas war exists between the Confederate States and the United States; and whereas the public welfare may require the reception of volunteer forces into the service of the Confederate States without the formality and delay of a call upon the respective States: Therefore, the Congress of the Confederate States of America do enact, that the President be authorized to receive into service such companies, battalions, or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

The second section authorized the enlistment of battalions and regiments in States "not of this Confederacy."

The third section prescribed:

> The President shall be authorized to commission all officers entitled to commissions, of such volunteer forces as may be received under the provisions of this act. * * *

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It will be seen from this section that as all the forces called into service under the act were raised by the Confederate Congress under its unrestricted power "to raise and support armies," the authority to commission all the officers was wisely and rightfully vested in the Confederate President.

The last half of the section shows that the deputies, who had stripped their respective States of the last attributes of sovereignty, had a glimmering appreciation partly of the value of professional training, but instead of prescribing that a trained officer should be commissioned colonel of each regiment, which would have enabled him to instruct ten companies in all the details of tactics, administration, and discipline, they authorized the Confederate President, "upon request," to detail or attach a regular officer to each company, not as its commander with full authority to correct every mistake or abuse, but as a hanger-on, whose advice could be accepted or rejected by his inexperienced superiors.

This profitless position could be accepted by few, if any, of the regular officers for the reason that at the time the Regular Confederate Army was, to a large extent, but an organization on paper, a circumstance that enabled the Confederate President to advance in the volunteers such professional officers as joined the Rebellion to the command of divisions, corps, and armies.

The same day that troops, unlimited in number, were authorized to be called into the service "without the delay of a formal call upon the respective States," the deputies thereof, in a manner equally striking, exercised their supreme power by giving to the Confederate President the right to assume control of, or, if necessary, to seize all telegraph lines within the limits of the Confederacy.

CONTROL OF TELEGRAPHS.

The first three sections of this law, approved May 11, 1861, were as follows:

> The Congress of the Confederate States of America do enact that, during the existing war, the President be, and he is hereby, authorized and empowered to take such control of such of the lines of telegraph in the Confederate States and of such of the offices connected therewith as will enable him to effectually supervise the communications passing through the same, to the end that no communication shall be conveyed of the military operations of the government to endanger the success of such operations, nor any communication calculated to injure the cause of the Confederate States or to give aid and comfort to their enemies.
>
> SEC. 2. The President shall appoint trustworthy agents in such offices, and at such points on the various lines as he may think fit, whose duty it shall be to supervise all communications sent or passing through said lines and to prevent the transmission of any communication deemed to be detrimental to the public service.
>
> SEC. 3. In case the owners and managers of said lines shall refuse to permit such supervision, or shall fail or refuse to keep up and continue the business on said lines, the President is hereby authorized to take possession of the same for the purposes aforesaid.[a]

The remaining seven sections authorized the Confederate President to issue all needful regulations, to appoint the telegraph operators as the government agents, and to extend telegraph laws, when necessary.

They further prohibited all dispatches in cipher, unless the contents were made known and prescribed that any person who should know- send or transmit any message without first submitting it "to

[a] C. S. A., P. 106.

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the agent of the Government," or any message calculated to aid and promote the cause of the enemies of the Confederate States should, on conviction in the district courts, be fined "not less than five hundred dollars and imprisoned for a term not less than one year."

These laws at this early stage of the Rebellion indicated that the deputies of the States had resolved that regard for the personal liberty of the people should in no manner delay the adoption of measures necessary to convert Rebellion into successful revolution.

The next act, May 16, related to the increase of the Regular Army.

The first section added 1 regiment of cavalry and 2 of infantry, giving in all a corps of artillery of 40 companies, 2 regiments of cavalry, and, including the regiment of zouaves, 9 regiments of infantry.

The second section of the act raised the 5 general officers already appointed from the rank of "Brigadier-General" to "General," which it was declared should be "the highest military grade known to the Confederate States."

The third section added 1 lieutenant-colonel and not to exceed 5 captains to the corps of engineers.

The fourth section added to the Quartermaster-General's Department 1 lieutenant-colonel (Assistant Quartermaster-General) and 2 majors (quartermasters); to the Commissary-General's Department 1 major (assistant commissary), 1 captain (assistant commissary), and to the Medical Department 6 surgeons and 14 assistant surgeons.

The eighth section recognized the value of professional education, and prescribed: "That until a military school shall be established for the elementary instruction of officers for the Army," the President should be authorized, on the basis of Congressional representation, to appoint cadets to companies in the Army, who were to be competent for promotion under such regulations as might be established by the Confederate President or Congress.

The ninth section authorized the assignment of officers of the army of the Confederate States to staff duty with volunteers or professional troops, with rank corresponding to the duty they were to perform.

The tenth section gave to every able-bodied man duly enlisted to serve in the army of the Confederate States "a bounty of ten dollars," payment of "five dollars to be deferred till the recruit should be mustered into the regiment in which he was to serve."

This piecemeal legislation and small bounty should have indicated to any statesman the insignificant part which the regular Confederate Army was destined to play in the existing conflict.

May 16, to meet the expenses of the war, the Secretary of the Treasury was authorized to issue fifty millions of dollars on bonds, bearing interest at 8 per cent, payable semi-annually. In lieu of these bonds, to the extent of twenty millions, the Secretary of the Treasury was authorized to issue treasury notes, without interest, the notes to be receivable for all government dues, except for export duty on cotton, or in exchange for the bonds authorized by the act. The notes were to be redeemable in specie at the end of two years, and at any time were to be convertible into 8 per cent bonds, payable in ten years, interest payable semi-annually, the notes and bonds, in which the notes were redeemable, at no time to exceed twenty millions of dollars.

May 17, the Corps of Engineers was increased by a company of sappers and bombardiers, composed of 4 officers and 100 men, making in all 2 companies.

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May 21, an act was approved to put in operation the government under the permanent Constitution of the Confederate States. The act appointed the first Wednesday in November, 1861, for the election of members of the House of Representatives. The same day the electors for President and Vice-President were also to be elected or appointed, which electors were to meet on the first Wednesday in December to vote for President and Vice-President. Congress was to meet on the 18th of February, 1862; on the 19th the certificates were to be opened and counted, and on the 22d the Confederate President was to be inaugurated.

May 21, same day, the sum of $39,375,138 was appropriated for additional expenses in the military service for the year ending February 18, 1862.

Of the above amount, the sum of $550,485 was appropriated "for the pay of 1 regiment of legionary formation," composed of 1 company of artillery, 4 companies of cavalry, and 6 companies of voltigeurs.

This regiment was modeled substantially on the Legion of the United States (abandoned).

The same day, May 21, an act was approved authorizing the Confederate President, on the application of any commanding officer of a regiment or battalion of volunteers raised for the war, to assign a subaltern of the line of the army to the duties of adjutant of such battalion or regiment.

While this act was an improvement on the one allowing officers to be attached as supernumeraries to volunteer companies, it still shows that in failing to put the regular officers at the heads of tactical and administrative units the value of educated officers was imperfectly appreciated.

These tentative steps, however, led to another act approved the same day, May 21, which read as follows:

> The Congress of the Confederate States of America do enact, That the President shall be authorized to confer temporary rank and command, for service with volunteer troops, an officer of the Confederate Army; the same to be held without prejudice to their positions in said Army, and to have effect only to the extent and according to the assignment made in general order. [a]

May 21, resolution was approved, according to which the Confederate Congress was to adjourn the following Tuesday to meet on the 20th of July, 1861, at Richmond, Va.

THIRD SESSION PROVISIONAL CONGRESS.

The third session of the Confederate Provisional Congress began at Richmond July 20, 1861, and ended August 31, 1861.

The first military legislation of the third session of the Provisional Congress, by the act of August 2, authorized one lieutenant-colonel and one major for each battalion of volunteers of not less than six companies. The second section repaired the long neglect of the Adjutant-General's Department by authorizing for the volunteer forces as many Assistant Adjutants-General as the service might require; the officers so appointed to have rank corresponding to the Assistant Adjutants-General in the Regular Army.

The next act, of August 3, repealed so much of the act of May 11 as authorized supernumerary officers "to be detailed from the Regular

[a] C. S. A., p. 127.

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Army" and attached to each company of volunteers. With a low estimate of the needful requirements for staff duty, this act, to the neglect of volunteer and regular officers alike, authorized the Confederate President, on application of a major or brigadier-general, "to appoint from civil life persons on the staff of such officer," with the same rank and pay as if appointed from the Regular Army.

August 8, the Confederate President was authorized to commission officers above the grade of captain, to raise and command battalions to be recruited from the States of Kentucky, Missouri, Maryland, and Delaware. The officers so commissioned were not to receive pay until their regiments or battalions were mustered into service.

CALL FOR 400,000 VOLUNTEERS.

The next act, also approved August 8, was designed to meet the preparations on the part of the Union for calling out 1,000,000 volunteers under the acts of July 22 and 25, 1861. It authorized the Confederate President to—

> employ the militia, military and naval forces, and to ask for and accept the services of any number of volunteers not exceeding 400,000, * * * either as cavalry, mounted riflemen, artillery, or infantry, * * * to serve for a period of not less than twelve months nor more than three years.

With no fixed principle in legislation this force was to be organized under the law of March 6, by which, according to State laws, the officers were to be "elected by their men and commissioned by the governors." The law also shows a partial abandonment of enlistments "for during the war" in favor of enlistments "for not less than twelve months nor more than three years."

August 14, as many surgeons and assistant surgeons were authorized to be appointed as might be necessary "for the various hospitals of the Confederacy."

FINANCIAL AND INTERNAL TAX LAWS.

As the power to raise and support armies is one and the same, the next legislation turned upon finance. By the first section of the act of August 19, the Secretary of the Treasury was authorized to issue $100,000,000 in treasury notes, "payable to the bearer at the expiration of six months after the ratification of a treaty of peace between the Confederate States and the United States." For the purpose of securing these notes and of making exchange for the proceeds of the sale of raw produce and manufactured articles, or for the purchase of specie or military stores, the Secretary of the Treasury was authorized to issue bonds not to exceed $100,000,000, payable not more than twenty years from date and bearing interest not exceeding 8 per cent per annum, payable semiannually; these bonds to include the $30,000,000 already authorized, which by this act were revoked.

The next step was to provide for the support of armies by means of a war tax or by direct taxation. The fourth section of this law prescribed:

> That for the special purpose of paying the principal and interest of the public debt, and of supporting the government, a war tax shall be assessed and levied of 50 cents upon each $100 in value of the following property in the Confederate States, namely: Real estate of all kinds, slaves, merchandise, bank stock, railroad and other corporation stocks, money at interest, or invested by individuals in the pur-

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chase of bills, notes, and other securities for money, except the bonds of the Confederate States of America, and cash on hand or on deposit in bank or elsewhere; cattle, horses, and mules; gold watches, gold and silver plate, pianos, and pleasure carriages.[a] * * *

Keeping in view the broad distinction between State rights and State sovereignty, the former of which under the constitution guarantees the privilege of local, or State and municipal, self-government, it will be found upon a further inspection of this law, that, as must have been intended by the deputies when they unanimously voted to themselves the power to raise and support armies, the sovereignty of the States was as rudely trampled upon as by the law which permitted the Confederate President without the formality of a call upon the States, to summon to the field the entire arms-bearing population of the Confederacy.

To carry out the law, each State was constituted a "tax division," and was to be subdivided into "collection districts" by the chief collector, who was to be appointed by the Confederate President, and who in turn, subject to the approval of the Secretary of the Treasury, was authorized to appoint the collectors of the collection districts. The tax collectors in towns were to appoint assessors, who were authorized to make the list of taxable property of all persons, being further authorized "to enter into and repair, all and singular, the premises for the purposes required by this act." If, after due notice, any person failed to pay his tax, whether on personal property or real estate, it was made the duty of the collectors, or their deputies, "to proceed to collect the said taxes by distress and sale of goods, chattels, or effects of the persons delinquent."

In case of real estate, only so much was to be sold as might be necessary to pay the tax with 20 per cent added, deeds conveying the land so sold to be executed by the deputies or their successors. If property would not sell for the amount of the tax, it was to be bidden in by the collector "in behalf of the Confederate States," redemption being permitted within two years from the date of the sale. In all cases, before proceeding to the sale, taxes were allowed to be paid on condition of paying the amount in full, with 10 per cent in addition, for taxes on real estate and such fees as would cover the expense of distraining and caring for the goods or personal property.

Unlike the States which, under the Articles of Confederation, retained their "sovereignty, freedom, and independence," and every "power, jurisdiction, and right," which was not by the "Confederation expressly delegated to the United States in Congress assembled" and which reserved to each State not only the right to raise all troops for the common defense in such manner as such State might direct, the States of the Southern Confederacy, under a constitution adopted by their deputies and not submitted for their approval, found themselves, so far as their sovereignty and independence was concerned, completely at the mercy of a superior government.

Instead of being able to dictate to the Confederate Government and to emasculate it by refusing to raise men and money, except in such manner as each State might see fit to adopt, they saw themselves powerless to prevent the sacrifice of the lives and property of their citizens to the insatiable Moloch of war. Every agent appointed to

[a] Sec. 4, pp. 177, 178.

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execute the foregoing law was, so to speak, the creature of a foreign state, yet armed with the authority to invade and to pry into the financial condition of every person and householder. The presence of these tax-gatherers excited no resentment or commotion. The tame submission of a brave and high-spirited people to so complete a destruction of their liberties can be explained in but one way. The people, whatever may have been the sincerity of the Deputies of their States, recognized the fact that sovereignty, with all of its attributes, belonged only to the general government which they were seeking to establish, and that to insure and perpetuate its independence they were willing to give their representatives in Congress assembled full power to raise and support armies, whatever might be the sacrifices the delegation of such power might involve.

Nevertheless, the Deputies did not wholly ignore the States in providing the means for supporting armies. Having made sure of the collection of taxes by the agents of the Confederate States, they enacted in the twenty-fourth section of the law—

> if any State shall, on or before the 1st day of April next, pay, in the treasury notes of the Confederate States, or in specie, the taxes assessed against the citizens of said State, less 10 per cent thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax collectors of such State, and thereupon their authority and duty under this act shall cease.[a]

As no State could avail itself of this privilege, the war tax, of necessity, had to be collected by the officers of the Confederate Government.

The sum of $57,000,000 was appropriated for "the army volunteers and militia in the public service of the Confederate States." The same day the sum of $50,000 was appropriated for the establishment and support of military hospitals.

The artillery was also increased the same day by one lieutenant-colonel, two majors, and four military storekeepers. The Confederate President was authorized, as Commander in Chief, to appoint on his personal staff two aids-de-camp, with the rank of colonel. A sergeant was also added to each company in the service, making five sergeants in all.

August 30, $1,000,000 was appropriated for purchase of a steamer and supplies for troops. By another act of August 30 the Secretary of War was authorized and required to provide, as far as possible, clothing for the entire forces of the Confederate States. If any State clothed its troops, the Secretary of War was required to pay to the governor of the State the money value of the clothing. The second and last section of the law destroyed all uniformity in the dress of the troops by prescribing that "the commander of every volunteer company shall have the privilege of receiving commutation for clothing, at the rate of $25 per man for every six months, when they shall have furnished their own clothing."

August 30, the Confederate President was authorized to establish within the Confederate States recruiting stations for the reception of volunteers from the States of Kentucky, Missouri, Maryland, and Delaware; also to form such volunteers into companies and regiments and to appoint their officers.

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[a] Sec. 24, p. 183.

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August 31, another law showed the failure of the deputies to appreciate the qualifications of officers for staff duty. It authorized the Confederate President, on the application and recommendation of a general of the Confederate States Army, the highest grade known in the service, to appoint from civil life persons to the staff of such officer, having the same rank and pay as if appointed from the regular army. It should be observed that in this law the deputies again ignored the qualifications of officers of volunteers and regulars, most of whom had been in the field for nearly six months.

The next law, also approved August 31, abandoned the false economy of stripping one company in each regiment or battalion of a subaltern for the position of adjutant by authorizing the adjutants of "regiments and legions" to be appointed in addition to the subaltern officers attached to companies. The term "legion" shows in a marked manner the conservatism of military legislation. It was first employed during the Revolution, chiefly as applicable to mounted troops or partisan rangers. Afterwards, in 1792,[a] signifying a combination of troops of all arms, it became the recognized organization of the Army of the United States; thence, although shortly after abandoned, it passed into the laws relating to the militia, where it was preserved till the Rebellion, when it found its way into the military laws enacted by the Provisional Congress.

Another law, approved August 31, authorized and required the secretary of war to make arrangements for the reception and forwarding of clothes, shoes, blankets, and other articles provided for the troops by private contribution. The last law of the third session of the Provisional Congress, relating to the personnel of the army, approved August 31, authorized chaplains the same rations as privates. A previous law had reduced their pay from $85 to $50 per month.

Among the resolutions of the third session of the Provisional Congress, one of July 30 appropriated the sum of $5,278.88, paid into the treasury as donations from the churches on the last fast day, as a fund for the use of the soldiers and officers wounded at the last battle of Manassas. Another resolution of August 31 recognized the impossibility of volunteer cavalry providing their own outfits, by authorizing the Secretary of War to furnish the necessary equipment for volunteer companies accepted "for the war."

A third resolution directed that such drill-masters as under the authority of some of the States now attached to various regiments should, on their own application be granted an honorable discharge.

FOURTH SESSION PROVISIONAL CONGRESS.

The fourth session of the Confederate Provisional Congress began at Richmond September 3, 1861, and ended the same day.

This session was caused by the failure of a bill to reach the Confederate President for his signature before the adjournment of the Provisional Congress, whereby he was to be authorized to continue the appointments made by him in the military and naval service during the past session and during the subsequent recess of the Congress. The

[a] The Legion of the United States existed from March 5, 1792, to November 1, 1796.—EDITORS.

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session was called by proclamation of September 2, reenacted the bill; also passed another act substituting the word "such" for the word "the" in a law relating to postage; which acts were approved on September 3, when the fourth session adjourned.

FIFTH SESSION PROVISIONAL CONGRESS.

The fifth session of the Confederate Provisional Congress began at Richmond November 18, 1861, and ended February 18, 1862.

The first act of any importance of the fifth and last session of the Provisional Congress, approved December 10, 1861, authorized the Secretary of War to appoint an Assistant Secretary of War, with a salary of $3,000 per annum. Another act, December 10, authorized the Confederate President to appoint a chief bugler or principal musician to each regiment in the Provisional Army.

BOUNTIES, FURLOUGHS, REENLISTMENT, AND RECRUITMENT.

The next military law, approved December 11, was entitled—

An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army.

In reality it should have been entitled "An act to disorganize and dissolve the Provisional Army." The object of the law was to retrieve the stereotyped blunder of short enlistments. To this end the first section prescribed that a bounty of $50 should be granted to all enlisted men in the Provisional Army who would serve continuously for three years, or the war. This sum was to be paid to the twelve-months' men enlisting at the end of their first year's service, as also the men already in the service for three years. To recruits or new volunteers for three years, or the war, the bounty was to be paid at the time of entry into service. As a further inducement to reenlist, the second section authorized the Secretary of War to grant furloughs, not exceeding sixty days, with transportation home and back, to all twelve months' men, who, prior to the expiration of their term of service, would enlist for the ensuing two years, or for three years or for the war, the furloughs to be issued by the Secretary of War at such times and in such numbers as he might deem most compatible with the public interest. In lieu of a furlough the commutation value of transportation home and back was offered to anyone who would reenlist as above.

The third section extended the provisions of the act to all troops enlisted for the term of twelve months, or were in the service of any State, who, under the act, might enlist for more than two years in the Confederate service. The fourth section, subversive to all discipline and subordination, prescribed that all troops revolunteering or reenlisting should, at the expiration of their original enlistments, have the power to reorganize themselves into companies and elect their company officers, the companies to—

have the power to organize themselves into battallions or regiments and to elect their field officers.

As if to insure the fact that, with the design to make every company officer the creature of his subordinates, it was enacted in the same section that "after the first election all vacancies shall be filled by promotion from the company, battalion, or regiment in which such vacancies may occur—

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provided, that whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election.

The next provision of the section was offered as a concession to the States. It reads:

SEC. 4. *And be it further enacted*, That all troops revolunteering or reenlisting shall, at the expiration of their present term of service, have the power to reorganize themselves into companies and elect their officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field officers; and after the first election, all vacancies shall be filled by promotion from the company, battalion, or regiment in which such vacancies may occur: *Provided*, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: *And further provided*, That in the case of troops which have been regularly enlisted into the service of any particular State prior to the formation of the Confederacy, and which have by such States been turned over to the Confederate government, the officers shall not be elected, but appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.[a]

The fatal consequences of conceding the right to the men to elect their officers should have been apparent to the merest tyro in military legislation; not only did it force the officer who hoped to remain in the service to employ the low arts of the demagogue, but after a battle in which perhaps all the officers and best noncommissioned officers of a company had been swept away, it permitted the surviving enlisted men to raise to the grade of captain, over the heads of all the lieutenants of the regiment, a man who might not be able to read or write, or possess a single qualification for command. In a law that could sanction in the military service such a monstrosity as the principle of election, one should not seek for any provision for ridding the service of worthless and incompetent officers. Such a provision on its face would, in part, have neutralized the supposed benefits of election, and had the removal or dismissal fallen upon a seditious officer, popular with his company, it might have induced a mutiny and revolt.

December 19, a law was approved relative to recruitment. It authorized the Secretary of War to adopt measures for recruiting and enlisting men for companies "in the service for the war" depleted by deaths and discharges, and further ignoring the utility of depots and territorial recruitments, authorized him "to detail the company commissioned officers for the above duty in such numbers, and at such times as, in his opinion, would best comport with the public service," the officers thus detailed to recruit for their respective companies. It will be seen from the above that had the Secretary of War chosen to exercise his authority at the outset of a campaign, neither the Confederate President nor a military commander could have countermanded his orders without openly violating the law.

December 24, the sum of $57,948,706 was appropriated for the Department of War, and $4,280,000 for the Department of the Navy. The same day the Secretary of the Treasury was authorized to issue $50,000,000 of treasury notes and $30,000,000 of bonds at any interest not exceeding 6 per cent per annum, payable semiannually, the bonds to be exchanged with the notes above issued.

December 31, the Confederate President was authorized to appoint in the provisional army not exceeding 50 officers of engineers, with the rank of captain, their commissions to expire at the close of the war.

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[a] Sec. 4, pp. 223, 224.

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Be it enacted by the Congress of the Confederate States of America, That the above-entitled act be so amended that, in addition to the power therein granted, the President of the Confederate States be, and he is hereby, authorized to confer temporary rank and command upon officers of the Confederate Army, on duty in the several Bureaus of the Adjutant and Inspector General, Chief of Engineers, and Chief of Ordnance, to cease at the end of the war; the same to be held without prejudice to the positions in said Army.

January 11, 1862, the sum of $14,400,000 was appropriated for the pay of bounty and transportation of 150,000 men, under an act providing for the reenlistment of twelve-months' men; also $450,000 to defray expenses under the act authorizing recruiting.

As the volunteers at the beginning would have enlisted as readily "for the war" as "for twelve months," this appropriation of nearly $15,000,000 represented only in a small degree the cost of a single blunder of military legislation.

January 16, 1862, the appointment of an Assistant Secretary of War was vested in the Confederate President, by and with the advice and consent of Congress, instead, as before, with the Secretary of War.

Still relying on the principle of voluntary enlistments, the next act related to recruiting old regiments and raising new ones. The first section of the act of January 22, 1862, authorized the Confederate President under this act of May 8, 1861, the first act authorizing enlistments for the war, to accept volunteers singly as well as in companies, battalions, and regiments.

The second section repeated the absurdity of the bounty and furlough act by extending the principle of election, not only to all the field and company officers raised under the act, but by applying the rule of promotion established in the bounty and furlough act in case of vacancy to all troops raised under the act of May 8, 1861. As a partial offset to the principle of election, the right to commission officers was again taken from the States and vested in the Confederate President, who was authorized—

to depart from the prescribed rule of promotion in favor of any person specially distinguished by his commanding general for extraordinary merit or some signal act of military skill or gallantry. [a]

The third section prescribed that any vacancies occurring in any companies mustered into service for three years or for the war might be filled by volunteers, and, subject to the approval of the brigade commander, further authorized the commanders of squadrons, battalions, and regiments to detail a recruiting party for each company, to consist of one officer, one noncommissioned officer, and one or more privates, who were to recruit their companies to not exceeding 125 men (rank and file), each recruit in joining his company to receive a bounty of $50. This law, it will be seen, whether intentionally or not, revoked the dangerous power previously granted to the Secretary of War and made the brigade commanders in the field the judges as to whether recruiting parties, with safety to the service, could be detached from their regiments.

The fourth section authorized the Confederate President—

to appoint and commission persons as field officers or captains to raise regiments, squadrons, battalions, or companies, the officers not to receive pay until their respective commands should be fully organized; enlistments under the captains not to be obligatory unless the number should be sufficient to constitute a company.

[a] Sec. 2, p. 248.

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By another act of January 22, the Confederate President was authorized to appoint in—

the provisional army and the volunteer corps officers of artillery above the rank of captain and without reference to the number of batteries under the actual command of the officers so appointed, not to exceed in number, however, one brigadier-general for every 80 guns, one colonel for every 40 guns, one lieutenant-colonel for every 24 guns, and one major for every 16 guns.

Again reverting to the neglected principle of confederation and State sovereignty, the law of January 23, 1862, so modified the first section of the law of March 6, 1861, as to authorize the Confederate President—

to call upon the several States, in his discretion, for any number of troops not exceeding in the aggregate the number heretofore authorized, to serve for the term of three years or during the war.

SECTION 2. In making such requisitions the president shall take into consideration the number of troops from each State already enlisted for the war at the time of the requisition, and shall as far as practicable equalize the same amongst the States according to their respective white populations.

January 22, 1862, the sum of $850,000 was appropriated for ordnance stores, and to provide for the defense of the Mississippi.

A third act, approved January 27, 1862, returned to the subject of volunteer enlistment and recruitment. The first section authorized all companies of volunteers then in the service of the Confederate States to be recruited by enlisting or receiving volunteers "for three years or the war," to a number "not exceeding 125, rank and file." It also guaranteed to the new recruits the principle of selecting their officers, by the provision that the companies so recruited shall, at the expiration of the term of service of the original company, elect their commissioned officers. The vacancies thereafter in each company, as under the bounty and furlough act, were to be filled by the promotion of the officers of the company, vacancies in the lowest grade to be filled by election.

The second section gave to—

the colonel or commanding officer of the several regiments, battalions, or squadrons enlisted for twelve months—

authority to detail one commissioned officer, and not exceeding two privates from each company, to recruit for their respective companies, all recruits on joining their companies to receive a bounty of $50.

The third section, as if with a view to give the new and reenlisted volunteers the utmost liberty in electing their officers and controlling their future organization, prescribed:

When all the companies comprising the regiment, battalion, or squadron, as aforesaid, shall, by recruiting as aforesaid, or by reenlistment or by recruiting as aforesaid, have attained at the date of the expiration of the term of service of the organized companies the number required by law for a company, the number and designation of such regiment, battalion, or squadron, may continue, or such of said companies as are complete at that date, may reorganize into new regiments, battalions, or squadrons, or attach themselves to other regiments, battalions, or squadrons, and in all such cases the field officers shall be elected, and vacancies thereafter occurring in such field officers shall be filled by promotion, as directed by the act aforesaid.[a]

The fifth section, in case the recruits and reenlisted men should fall below the minimum number prescribed for a company, authorize them to consolidate with other companies, in default of which they were to be assigned or distributed to other companies from the same State.

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[a] Sec. 2, p. 254.

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In keeping trace of the shifting expedients adopted to retrieve the legislative mistakes of permitting twelve months' enlistments, it will be seen that the law first made the Confederate Secretary of War responsible for recruiting details; next the colonels, or commanding officers of regiments, battalions, or squadrons, subject to the approval of the brigade commander; and finally, without restriction, gave the power to the colonels and battalion commanders. The dates of these successive laws were December 19, January 22, and January 27.

January 29, in order to aid the States to respond to the requisition for troops, which the Confederate President was authorized to make upon them by the act of January 23, an act was approved directing that the limitation of six months' service for militia should not apply to men—

drafted into service by the several States and furnished by said States to the President for service for three years or during the war, in response to requisitions made upon said States according to law.

This law, which naturally proved a dead letter, should not escape our attention. Unwilling themselves to proclaim the fact that the principle of voluntary enlistment was rapidly threatening the collapse of the rebellion, the deputies sought to throw upon the States the odium of resorting to conscription. If such was their purpose they might have assured themselves, by referring to the history of the Revolution, that their scheme would prove a failure.

February 15, 1862, the sum of $33,655,802 was appropriated for the support of the Confederate War Department from the 18th of February to the 1st of April, 1862.

The same day, imitating the phraseology of the laws of the Continental Congress, all citizens of Maryland who were in, or might enlist in, the Confederate service, were allowed the option to organize companies and regiments, and with the First Maryland Regiment, and several companies then in service, to further organize "into one or more brigades, to be known as the Maryland line."

Another act of the same day secured to the officers who might be reelected in the reorganization under the bounty and furlough act rank from the date of their original appointment or election, provided they were reelected to the same grade.

Another act of February 15, recognizing the futility of adding an officer here and there in the staff departments, authorized the Confederate President to appoint as many quartermasters and assistant quarmasters, commissaries and assistant commissaries, in addition to the number before allowed by law, as in his discretion might be necessary "at permanent posts and depots," the appointments to terminate at the end of the war.

The last act of the Provisional Congress, approved February 17, related to bounty, and prescribed that it should be paid to each recruit or reenlisted volunteer, as soon as by a surgeon pronounced fit to do military service and mustered into the service.

ACTS OF FIRST CONFEDERATE CONGRESS.

The first session of the Confederate Congress began at Richmond, February 18, 1862, and ended April 23, 1862, Jefferson Davis, President; Alexander Stephens, Vice-President and President of the Senate; Thomas S. Bocock, Speaker of the House of Representatives.

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The first law of the first Confederate Congress, under the permanent constitution, approved February 27, 1862, prescribed that if an officer of the army should be appointed Secretary of War he should not forfeit his army rank, but only the pay and allowances thereof, while serving as Secretary of War.

WRIT OF HABEAS CORPUS SUSPENDED.

The next act, the same day, authorized the Confederate President to suspend the writ of "habeas corpus" in such cities, towns, and military districts as in his judgment, being in danger of attack by the enemy, might "require the declaration of martial law for their effective defense."

March 17, 1862, an act "authorized and directed" the military authorities of the Confederate States Army—

to destroy cotton, tobacco, and military and naval stores, or other property of any kind whatever, which might aid the enemy in the prosecution of the war, when necessary to prevent the same or any part thereof from falling into the hands of the enemy.

The second section prescribed that persons whose property should thus be destroyed, or also persons who should voluntarily destroy their property to prevent it from falling into the hands of the enemy, should perpetuate testimony of such destruction, and that they should be entitled to indemnity out of the proceeds of property sequestered and confiscated under the laws of the Confederate States.

These laws, passed within three weeks from the beginning of the session, were sufficient to indicate that the first Confederate Congress, composed of senators and representatives recently elected by the people, was prepared to exercise to the fullest extent the power granted to it under the permanent constitution "to raise and support armies."

March 20, 1862, a law looking to the appointment of a General in Chief prescribed that whenever the Confederate President should assign a general to duty at the seat of government, the said General in Chief should be permitted a military secretary with the rank of colonel, four aids-de-camp with the rank of major, and clerks.

An act, April 2, authorized any State which had agreed to assume the payment of her quota of the war tax imposed by the act of August 19, 1861, and which had not been furnished with a "correct collateral list of the taxes assessed on the people of such State before the 1st day of April, 1862," on mutual agreement between its governor and the Secretary of the Treasury, to pay on the probable amount of such assessment, less 10 per cent, provided that the State should make good the difference, less 10 per cent of the amount paid in, should be less than the actual assessment, the State in like manner to be paid back any excess. Although this law sought to recognize a confederate relation between the States, it will be seen that the Confederate Government, unlike the Continental Congress, had taken the precaution to first assess, through its own agents, the taxable property of the people of the States; and then, as an inducement to the latter, to assume the tax imposed, offered a reduction of 10 per cent.

The same day, April 2, the Confederate President was authorized to increase his personal staff by the appointment of four aids-de-camp, with the rank of colonel.

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April 3, the sum of $200,299,725.42 was appropriated for the support of the Army from April 1 to November 30, 1862.

The next act, April 10, 1862, had its origin in the scarcity of firearms, as also a desire to organize new regiments. The first section prescribed—

> That the President be, and he is hereby, authorized to organize companies, battalions, and regiments of troops, to be armed with pikes or other available arms, to be approved by him when a sufficient number of arms of the kind now used in the service can not be procured, such companies, battalions, or regiments to be organganized in the same manner as like organizations of the infantry now are under existing laws.[a]

The second section authorized the Confederate President to employ the troops thus armed like similar organizations of infantry, or to attach them to other regiments in the service, not to exceed the proportion of two companies to each regiment, the colonels to have power to detail men from such companies to take the place of men killed, wounded, or disabled from any cause in the companies armed with firearms; the true intent and meaning of this provision being to render every firearm in the army available at all times by having it in the hands of a well and effective man.[a]

April 11, the difficulty in procuring powder procured an act authorizing the formation of a nitre bureau, to consist of 1 major, superintendent; 4 captains, and 8 first lieutenants, all the officers to receive the pay and allowances of officers of corresponding grade in the artillery, and to be under the supervision of the chief of ordnance.

April 12, to provide further means for the support of the government, the Secretary of the Treasury issued treasury notes, certificates of stock and bonds, not to exceed in the aggregate $215,000,000.[b]

CONSCRIPTION LAWS.

The next law, April 16, 1862, although wholly within the scope of the sovereign powers, granted to the Confederate Congress by the permanent Constitution, marked, to the misfortune of the country, a total abandonment of the principle of voluntary enlistment, if not the repudiation to a large extent of the entire weak, vacillating, and senseless policy established and pursued by the Deputies of the States in the Provisional Congress. The preamble and first section of the law of conscription were as follows:

> In view of the exigencies of the country and the absolute necessity of keeping in service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore,
>
> *The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of the original enlistment, unless the war shall have been sooner ended: *Provided, however*, That all such companies, squadrons, battalions, and regiments whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the president: *Provided further*, That furloughs not exceeding sixty days, with

[a] Sec. 2, p. 26.
[b] Sec. 2, p. 27.

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transportation home and back, shall be granted to all those retained in the service by the provisions of this act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an act entitled, "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army, approved December 11, 1861, and furloughs to be granted at such times and in such numbers as the secretary of war may deem most compatible with the public interest: *And provided further*, That in lieu of a furlough, the commutation in money of the value of the transportation herein granted shall be paid to each private, musician, or noncommissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: *Provided further*, That all persons under the age of eighteen years, or over the age of thirty-five years, who are now enrolled in the military service of the Confederate States in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, or who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the reenlistment of volunteers and the organization thereof into companies, squadrons, battalions, and regiments, shall be, and the same are, hereby repealed.[a]

The second section permitted such companies, squadrons, battalions, and regiments as were in process of formation to complete their organization and be mustered into service if, without embracing any persons then in the service, the said companies, etc., within thirty days should enroll the number of men prescribed for each of the said organizations, the company, battalion, and regimental officers, as before, to be elected by the men.

The third section recognized the States only so far as their officers could be made useful to the Confederacy. It prescribed:

That for the enrollment of all persons comprehended within the provisions of this act who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the governors of the respective States, to employ State officers, and on failure to obtain such consent he shall employ Confederate officers charged with the duty of making such enrollment in accordance with such rules and regulations to be prescribed by law.[b]

The fourth section prescribed that the men thus enrolled should be assigned by the Secretary of War to the companies in service from their respective States, until said companies should be filled to the maximum, which, by the twelfth section, was fixed at 125 rank and file for the infantry and 80 for each company of cavalry.

The sixth section prescribed that if the number of organizations in the service from any State were not sufficient to absorb the number of persons subject to military service under the act, the excess should be kept as a reserve, from which, at stated periods, if not greater than three months, details determined by lot should be made so that every company, if practicable, might be kept full. The section also authorized the whole excess or reserve to be called into service in case of emergency, the same to be organized into companies and regiments, the troops to have the privilege of electing company and field officers.

The seventh section allowed to all twelve months' men, as also all others continued in the service by the act, a bounty of $50.

The eighth section prescribed that any man who would keep himself armed with an "approved musket, rifle, shotgun, or carbine," should receive for the use of his weapon $1 per month.

The ninth section sanctioned the pernicious principle of substitution. It prescribed:

That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.[c]

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[a] P. 29, 30. [b] P. 30, 31. [c] Sec. 9, p. 31.

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The tenth section conferred on the Confederate President the exclusive right of appointing all officers, but continued the vicious system of promotion established in the bounty and furlough act. It prescribed:

That all vacancies shall be filled by the President from the company, battalion, or regiment in which such vacancies occur by promotion according to seniority, except in case of disability or other incompetency: *Provided, however*, That the President may, when in his opinion it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers or private or privates from such companies, battalions, squadrons, or regiments, who shall have been distinguished in the service by exhibition of valor and skill; and that whenever a vacancy occurs in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: *Provided*, That all appointments made by the President shall be by and with the advice and consent of the Senate.[a]

The eleventh section still further extended the principle of election; it prescribed:

That the provisions of the first section of this act relating to the election of officers shall apply to those regiments, battalions, and squadrons which are composed of twelve months' and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.[b]

The thirteenth and last section, recognizing the natural aversion of our people to conscription, and sure of the effect of the law in regard to volunteering, wisely prescribed:

That all persons subject to enrollment, who are not now in the service under the provisions of this act, shall be permitted, previous to such enrollment, to volunteer in companies now in the service.[c]

If the condition of military affairs in the Confederacy be considered in connection with the above legislation, it may be safely affirmed that in human history no deliberative body ever dared to push its authority so far.

In the West, the loss of Fort Donelson, with 9,000[d] prisoners, had compelled the Confederate troops in February, 1862, to evacuate Kentucky and Tennessee. This retrogade movement was followed, on the 6th of April, by the desperate battle of Shiloh, in which, baffled and defeated, the Confederate troops fell back to Corinth. In the East the Army of the Potomac, the largest, best equipped, and best disciplined army ever assembled on the Continent, was already advancing toward the Confederate capital.

The Confederate armies blindly created for twelve months, and as blindly disorganized in the hope of filling their depleted ranks by voluntary enlistment, were rapidly hastening to their dissolution. The proud Confederacy, whose flag had floated within the distinct view of the national capital, through blunders of legislation was tottering to its fall. A month more, or two months at the farthest, and the gigantic Rebellion, organized to establish the sovereignty and independence of the States, would be a thing of the past, its leaders fleeing from the wrath of a loyal and outraged people. The situation was desperate; the crisis had arrived; the triumph of the Union was at hand.

At this juncture it was reserved for a Confederate Congress to explain for all time, the meaning and extent of the power to raise and support armies. Appalled, but not unmanned, it rose to the occasion and setting an example that was followed a year later by the national Congress, resolved to meet the emergency, by declaring every man between

[a] Sec. 10, p. 32.
[b] Sec. 11, p. 32.
[c] Sec. 13, p. 32.
[d] Buckner's official report.

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the ages of 18 and 35, a soldier. Had it been the object of the law to force reluctant citizens into the ranks, the experiment might not have seemed hazardous, but going far beyond, to conscript armies numbering more than 100,000 soldiers, who had faithfully fulfilled their engagements and were already turning their affections homeward, the temerity of this legislation finds no parallel in the history of the world. But the end justified the means; the reorganization which was languishing was immediately completed; the ranks were filled up and given the strength of increasing numbers; the Confederate armies again took the field to baffle and resist the onset of the Union hosts until, dwindling to the former shadows of themselves, they were finally compelled to lay down their arms at Appomattox Court-House.

The immense power for resistance which this one law gave to the Confederacy should for a moment turn our thoughts from the Rebellion to the Revolution, and suggest the question why the military policy of the Continental Congress was so weak, while that of the Confederate Congress became so strong. The answer is obvious. The Continental Congress, while still fighting for independence, paid a sacred regard in theory and in fact to the sovereignty and independence of the States. The Confederate Congress, on the other hand, treating the principle as a dead letter, although it was incorporated in the preamble of the provisional constitution, boldly assumed and exercised all of the sovereign powers which under the Constitution of the United States are granted to Congress.

Had the Continental Congress declared every able-bodied man a soldier, when it was first warned by Washington of the inevitable dissolution of his army, it is more than probable that the British fleet which left Boston in March, 1776, would have sailed with an army of paroled prisoners, never again to return to our shores. Unhampered by the Articles of Confederation which ultimately deprived it of all executive powers, the Continental Congress, despite the warnings and protests from the Army, unfortunately adhered to short and voluntary enlistments. Temporarily relieved by the evacuation of the British, who speedily returned in increasing numbers, the end of the year 1776 closed with the investment of Washington, with all the power of a dictator.

To this end were affairs under the policy of the Provisional Congress rapidly drifting when, by a single stroke of legislation, the Confederate Congress insured the subordination of the military to the civil authority throughout the entire war.

This resolution cost the nation the sacrifice of hundreds of thousands of lives and thousands of millions of treasure; but great as was the sacrifice, if our legislators will but study the lesson, it may yet in the remote future teach them how to rescue and defend our liberty and independence.

The foregoing reflections bear on the decision of the Confederate Congress to substitute conscription for volunteering, or rather to supplement volunteering by conscription, as under the law any citizen by voluntary enlistment could still escape the odium of draft.

Having, therefore, determined to compel the soldiers to serve for an additional term of two years, the question may be asked, Why were the men still given the right to reorganize and elect their officers? The answer naturally suggests itself, that in making independent of the States the first experiment of conscription ever tried on the conti-

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nent, the Confederate Congress did not dare to repudiate the promise made to the soldiers by the Provisional Congress. Had the soldiers revolted, the Rebellion would have instantly collapsed. It was therefore of vital importance to appease and pacify the army, and to this end every soldier coming under the operation of the law was given not only a voice in the selection of his commanders, but a furlough for two months and a bounty of $50. Here, at farthest, the concessions should have stopped, but such was not the case. The legislators, as has been seen, in the tenth section confined promotions to the companies and battalions in which vacancies might occur, and, further, required all appointments in the lowest grade of officers to be filled by election.

This feature of the law was not dictated by any regard for the sovereignty of the States, for by the terms of the law all appointments were to be made by the Confederate President. It is rather to be explained by the inability of civilians to appreciate the proper qualifications of officers, and the relations which must exist between them and the soldier in order to attain the highest degree of efficiency and discipline. However that may be, to this principle of election may be ascribed the fact now generally admitted that in instruction and discipline the Confederate armies never equalled those of the Union, a drawback that was again largely compensated for by the advantages of topography and the defensive.

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CHAPTER XXXI.

MILITARY POLICY OF THE CONFEDERATE STATES OF AMERICA—CONTINUED.

CONSCRIPTION LAW.

On April 16, 1862, the following conscription law was passed by the first session, First Confederate Congress:

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore

The Congress of the Confederate States of America do enact, That the president be, and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made, who are not legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: *Provided, however*, That all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers, which they had a right heretofore to elect, who shall be commissioned by the President: *Provided further*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this act beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the provisional army," approved eleventh December, eighteen hundred and sixty-one, said furloughs to be granted at such time and in such numbers as the secretary of war may deem most compatible with the public interest: And *provided further*, That in lieu of a furlough the commutation value in money of the transportation herein above granted shall be paid to each private, musician, or noncommissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: *Provided further*, That all persons under the age of eighteen years or over the age of thirty-five years who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of eighteen and thirty-five years; and all laws and parts of laws providing for the reenlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments shall be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That such companies, squadrons, battalions, or regiments organized, or in process of organization by authority from the secretary of war, as may be within thirty days from the passage of this act so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same, to be received in that arm of the service in which they are authorized to organize, and shall elect their company, battalion, and regimental officers.

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SEC. 3. *Be it further enacted*, That for the enrollment of all persons comprehended within the provisions of this act, who are not already in the service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the governors of the respective States, to employ State officers, and on failure to obtain such consent he shall employ Confederate officers, charged with the duty of making such enrollments in accordance with the rules and regulations to be prescribed by him.

SEC. 4. *Be it further enacted*, That persons enrolled under the provisions of the preceding section, shall be assigned by the Secretary of War to the different companies now in the service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

SEC. 5. *Be it further enacted*, That all seamen and ordinary seamen in the land forces of the Confederate States, enrolled under the provisions of this act may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

SEC. 6. *Be it further enacted*, That in all cases where the State may not have in the army a number of regiments, battalions, squadrons, or companies, sufficient to absorb the number of persons subject to military service under this act, belonging to such State, then the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: *Provided*, That the persons held in reserve may remain at home until called into service by the President: *Provided also*, That during their stay at home they shall not receive pay: *Provided further*, That the persons comprehended in this act shall not be subject to the rules and articles of war, until mustered into the actual service of the Confederate States; except that said persons when enrolled and liable to duty, if they shall wilfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such under said articles: *Provided further*, That whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provisions of section four of this act; said reserves shall be organized under such rules as the Secretary of War may adopt: *Provided*, The company, battalion, and regimental officers shall be elected by the troops composing the same: *Provided*, The troops raised in any one State shall not be combined in regimental, battalion, squadron, or company organization with troops raised in any other States.

SEC. 7. *Be it further enacted*, That all soldiers now serving in the army or mustered in the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the service by virtue of this act, who have not received the bounty of fifty dollars allowed by existing laws, shall be entitled to receive said bounty.

SEC. 8. *Be it further enacted*, That each man who may hereafter be mustered into service, and who shall arm himself with a musket, shotgun, rifle, or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same; and if he is not, then he shall be entitled to receive one dollar a month for the use of said received and approved musket, rifle, shotgun, or carbine.

SEC. 9. *Be it further enacted*, That persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

SEC. 10. *Be it further enacted*, That all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur by promotion according to seniority, except in case of disability or other incompetency: *Provided, however*, That the President may, when in his opinion it may be proper to fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates, from such company, battalion, squadron, or regiment who shall have been distinguished in the service by exhibition of valor and skill, and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: *Provided*, That all appointments made by the President shall be by and with the advice and consent of the Senate.

SEC. 11. *Be it further enacted*, That the provisions of the first section of this act, relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve months and war companies combined in the same organization, without regard to the manner in which the officers thereof were originally appointed.

SEC. 12. *Be it further enacted*, That each company of infantry shall consist of one

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hundred and twenty-five, rank and file; each company of field artillery, of one hundred and fifty, rank and file; each of cavalry, of eighty, rank and file.

SEC. 13. *Be it further enacted*, That all persons subject to enrollment who are not now in the service, under the provisions of this act, shall be permitted, previous to such enrollment, to volunteer in companies now in the service.

Approved April 16, 1862.[a]

It was possible under this law (there being no exemptions whatever) to break up all State governments.

April 17, 1862, the Secretary of the Treasury was authorized to issue $5,000,000 of treasury notes of $1 and $2 each.

The third section of the bill authorized the Secretary of the Treasury to issue notes in denominations not less than $100 each, bearing interest at the rate of 2 cents per day for each $100, the notes to be in lieu of $165,000,000 of bonds authorized by the act of April the 12th, five days previous; the notes to be payable six months after ratification of peace between the Confederate States and the United States.[b]

April 19, 1862, a Signal Corps was authorized to be composed of 10 captains and 10 sergeants. The corps thus constituted was to be organized at a separate call or be attached to the Department of the Adjutant and Inspector General or to the Engineer Corps, as the Secretary of War might direct.[c]

The same date, April 19, 1862, another law authorized one ordnance sergeant to each regiment in the service.[d]

The third act limited the suspension of the writ of habeas corpus, in all cases of arrests made by the authorities of the Confederate Government, or for offenses against the same, the suspension of the writ to continue for thirty days after the next meeting of Congress.[e]

A fourth act authorized the Confederate President to appoint—

drillmasters for camps of instruction or reserve forces in any arm of the military forces,

with such pay as the Secretary of War might prescribe.[f]

A fifth act fixed the pay of chaplains at $80 per month, besides the rations already allowed.[g]

April 21, 1862, the Secretary of the Treasury was authorized—

to exchange bonds or stock of the Confederate States for any articles in kind

needed for the use of the Confederate States; the articles to be valued according to regulations established by the Secretary.

The provisions in kind embrace cotton, tobacco, and other agricultural products; the amount of cotton and tobacco to be received not to exceed the value of thirty-five millions of dollars.[h]

A second act, of April 21, 1862, "to punish drunkenness in the army," prescribed that any officer convicted of being "found drunk, either while on or off duty" should be cashiered, suspended, or publicly reprimanded, according to the aggravation of his offense. If cashiered, the law further prescribed that in addition to the sentence the officer should "be declared incapable of holding any military office under the Confederate States during the war."[i]

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[a] Constitution and Statutes of the Confederate States of America, First Congress, 1st session, Chap. XXXI, pp. 29–32.

[b] Ibid., Chap. XXXV.
[c] Ibid., Chap. XL.
[d] Ibid., Chap. LXIII.
[e] Ibid., Chap. LXIV.
[f] Ibid., Chap. LXVI.
[g] Ibid., Chap. LVI.
[h] Ibid., Chap. LXI.
[i] Ibid., Chap. LXII.

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A third act authorized the Confederate President to commission officers to raise bands of Partisan Rangers to be organized in companies, battalions, or regiments of infantry or cavalry.

The third section prescribes that for any "arms and munitions of war captured from the enemy" by the Rangers they should be paid the full value in such manner as the Secretary of War might prescribe.[a]

The fourth act looked to increasing the effective strength of each company. It authorized each captain to enlist in his company four cooks, white or black, free or slave; the chief cook to receive $20, the other cooks $15 per month, with a clothing allowance the same as the rank and file of a company. Slaves could only be enlisted with the written consent of their masters.[b]

A fifth act authorized the appointment of additional captains in the corps of engineers, the whole corps not to exceed one hundred.[c]

A sixth act—

for the purpose of enlarging the number of officers of artillery and enabling them to discharge more effectively the duties of ordnance officers,

authorized the appointment in the Provisional Army of not to exceed 80 captains and first lieutenants.[d]

A seventh act authorized the Secretary of War to organize a battalion of sharpshooters for each brigade, to consist of not less than three nor more than six companies each, the men to be selected from the brigade or otherwise; the officers, field, staff, and company to be commissioned by the Confederate President. Each battalion was to form a part of the brigade to which it belonged, the men to be armed with long-range rifles or muskets, taken, if necessary, from the other troops.[e]

An eighth act authorized the Confederate President to accept the service of any companies, squadrons, battalions, or regiments in service under the authority of any of the States of the Confederacy which might be tendered by the governors.[f]

EXEMPTIONS FROM CONSCRIPTION.

Another act related to exemptions under the law of conscription. It prescribed:

That all persons who shall be held to be unfit for military services under rules to be prescribed by the Secretary of War; all in the service or employ of the Confederate States; all judicial and executive officers of Confederate or State governments; the members of both Houses of the Congress and of the legislatures of the several States and their respective officers; all clerks of the officers of the State and Confederate Government allowed by law; all engaged in carrying the mail; all ferrymen on post routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraphic operators and ministers of religion in the regular discharge of ministerial duties; all engaged in working iron mines, furnaces, and foundries; all journeymen printers actually employed in printing newspapers; all presidents and professors of colleges and academies, and all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums, and the regular nurses and attendants therein, and the teachers employed in the institution for the deaf and dumb and blind; in each apothecary store now established and doing business one apothecary in good

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[a] Constitution and Statutes of the Confederate States of America, 1st session, 1st congress, Chap. LXIII.
[b] Ibid., Chap. LXIV.
[c] Ibid., Chap. LXV.
[d] Ibid., Chap. LXVI.
[e] Ibid., Chap. LXXII.
[f] Ibid., Chap. LXXIII.

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standing who is a practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War, shall be, and are hereby, exempted from military service in the armies of the Confederate States.[a]

PROMOTION OF OFFICERS.

The last act of April 21, 1862, recognized promotion by company, battalion, or regiment, as also the principle of election to the lowest grade, which, however, was modified, if not neutralized, by an important proviso.

The act was as follows:

All vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur by promotion, according to seniority, except in case of disability or other incompetency, and that whenever a vacancy shall occur in the lowest grade of commissioned officers of a company, such vacancies shall be filled by election: *Provided, however*, That the President may, when in his opinion it is proper, fill any vacancy by the promotion of any officer from any company, battalion, squadron, or regiment in which the same may occur who shall have been distinguished in service by the exhibition of extraordinary valor and skill; and that when any vacancies shall occur in the lowest grade of commissioned officers of any company, the same may be filled by selection by the President of any noncommissioned officer or private from the company in which said vacancy may occur who shall have been distinguished in the service by the exhibition of extraordinary valor and skill; and that appointments made by the President shall be by and with the advice and consent of the Senate.[b]

It will be seen by the foregoing acts that the first Confederate Congress in its first session distinctly affirmed its right to place the appointment of every officer in the military service in the hands of the Confederate President, "subject in all cases to the advice and consent of the Senate."

In no instance did it confuse the volunteers with the militia. On the contrary, having adopted the principle of conscription, it recognized the volunteers as national rather than State troops, and in the further exercise of its right to raise and support armies, did not hesitate to confer upon the Confederate Government, the sole authority to organize and officer them, in such manner as would best conduce to the interests of the service.

SECOND SESSION, FIRST CONFEDERATE CONGRESS.

The second session of the First Confederate Congress began at Richmond August 18, 1862, and ended October 13, 1862.

The first law of the second session of the First Congress, approved September 16, 1862, related to the artillery. In addition to the 70 officers authorized by the law of April 21, it authorized the Confederate President—

to appoint seventy officers of artillery in the Provisional Army for the performance of ordnance duties.

The rank of all officers appointed to perform ordnance duty, was fixed at one lieutenant-colonel for every command exceeding an army corps; one major for each army corps; the other officers to have the grade of captain, first and second lieutenants in such proportions as the Confederate President might direct.[c] September 18, army corps were created, with commanders having the grade of lieutenant-general.[d]

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[a] Constitution and Statutes of the Confederate States of America, 1st session First Congress, Chap. LXXIV, p. 57.
[b] Ibid., Chap. LXXV. [c] Chap. II. [d] Chap. III.

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September 23, 1862, the Secretary of the Treasury was authorized to issue such amount of "bonds, certificates of stock, and Treasury notes," in addition to those already issued, as might be required to pay the appropriations made by the first congress in its first and second sessions. The bonds issued under the act of April 18, 1862, were also increased from fifty to one hundred millions. Treasury notes under the denomination of $5 were increased to ten millions.[a]

September 23, 1862, the officers of engineers in the Provisional Army, authorized by the law of April 21, were given the same rank as officers of the same corps in the Regular Army of the Confederate States. The strength of the provisional corps of engineers was fixed at 1 colonel, 1 lieutenant-colonel, 6 majors, 40 captains, 30 first lieutenants, and 20 second lieutenants; total, 100.[b]

September 27, 1862, the Signal Corps was increased by 1 major, 10 first lieutenants, 10 second lieutenants, and 20 sergeants, making in all 1 major, 10 captains, 10 first lieutenants, 10 second lieutenants, and 30 sergeants.[c]

FORMATION OF A SECOND RESERVE.

The same day, September 27, a second reserve for the Confederate armies was formed by the extension of the age of conscription from 35 to 45.

The law prescribed as an amendment to the original conscription act of April 16, 1862:

> That the President be, and he is hereby, authorized to call out and place in the military service of the Confederate States for three years, unless the war should have been sooner ended, all white men who are residents of the Confederate States between the ages of thirty-five and forty-five years at the time the call or calls may be made, and who are not at such time or times legally exempted from military service, or such part thereof as, in his judgment may be necessary to the public defence, such call or calls to be made under the provisions and according to the terms of the act of which this is an amendment; and such authority shall exist in the President during the present war as to all persons who now are, or may hereafter become, eighteen years of age, and when once enrolled, all persons between the ages of eighteen and forty-five shall serve their full time: *Provided*, That if the President, in calling out troops into the service of the Confederate States shall first call for only a part of the persons between the ages hereinbefore stated, he shall call for those between the ages of thirty-five and any other age less than forty-five: *Provided*, That nothing herein contained shall be understood as repealing or modifying any part of the act to which this is amendatory, except as herein expressly stated: *And provided further*, That those called out under this act, and the act to which this is an amendment, shall be first and immediately ordered to fill to their maximum number the companies, battalions, squadrons, and regiments from the respective States at the time the act to further provide for the public defense, approved sixteenth April, one thousand eight hundred and sixty-two, was passed, and the surplus, if any, shall be assigned to organizations formed from each State since the passage of that act, or placed in new organizations to be officered by the State having such residue, according to the laws thereof, or disposed of as now provided by law: *Provided*, That the President is authorized to suspend the execution of this act, or the act to which this is an amendment, in any locality where he may find it impracticable to execute the same, and that in such locality, and during said suspension, the president is authorized to receive troops into the Confederate service under any of the acts passed by the Confederate Congress prior to the passage of the act to provide further for the public defense, approved sixteenth April, one thousand eight hundred and sixty-two.[d]

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[a] Chap. IV.
[b] Chap. VIII.
[c] Chap. XIV.
[d] Chap. XV.

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October 8, 1862, the Confederate President was authorized to establish camps of instruction for persons enrolled in the military service, in such places in the several States as he might deem necessary. He was also authorized to appoint, by and with the advice and consent of the Senate, officers in the Provisional Army, with the rank of major, to superintend and command the camps.[a] This costly expedient was rendered absolutely necessary by the want of regimental depots.

A second act, October 8, 1862, amended the conscription law of April 16, so that few persons could escape enrollment. It prescribed:

That all persons subject to enrollment for military service may be enrolled under instructions from the War Department and reported by the enrolling officer wherever found, whether within the State or county of their residence or not, and when so enrolled shall be subject to the provision of law as fully as if enrolled within the county and State of which they may be residents: *Provided*, That this act shall not extend to any member of a military organization under any State law while he remains in actual service within the limits of his State: *And provided further*, That the President is authorized to suspend the execution of this act, as regards the residents of any locality where he may find it impracticable to execute the act entitled "An act to further provide for the public defense," approved April sixteenth, eighteen hundred and sixty-two, and the act to amend the last-mentioned act, approved September twenty-seventh, eighteen hundred and sixty-two.[b]

A third act added to the Adjutant and Inspector-General's Department of the Regular Confederate Army, one Assistant Adjutant-General with the rank of colonel.

October 9, 1862, the Confederate President was authorized to—

organize a permanent military court to attend each army corps in the field. The court consisted of three members having the rank and pay of colonels of cavalry, the members to hold their offices during war, or until the court should be abolished by Congress.

A judge-advocate was also appointed for each court with the rank of major. Each court was authorized to appoint its own provost-marshal with the rank of captain of cavalry, who was charged with attending its sittings and executing its orders. It could also appoint a clerk, and was granted the same authority as courts-martial to punish contempt, compel attendance of witnesses, and enforce the sentences and judgments. Two members of the court constituted a quorum. The jurisdiction of the court extended to all offenses previously cognizable by courts-martial, and also to murder, manslaughter, arson, rape, robbery, and larceny when committed—

by any private or officer in the Army of the Confederate States against any other privates or officers in the Army, or against the property or person of any citizen or other person not in the Army.

Offenders above the grade of colonel were not included in the jurisdiction of the courts, which were authorized to inflict the same punishments as courts-martial.[c]

October 11, 1862, the Confederate President was authorized to accept such regiments or battalions, as prior to October 1, 1862, had been organized in good faith, under authority of the Secretary of War or any general officer—this notwithstanding the regiments were composed in part of persons between the ages of eighteen and thirty-five. The same authority was extended to battalions or regiments composed of conscripts organized by general officers west of the Mississippi. The third section authorized the acceptance of regiments or battalions raised in middle and west Tennessee (then occupied by Union troops).

[a] Chap. XXIX. [b] Chap. XXXIV.
[c] Chap. XXXVI.

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The men in the original organizations were granted permission to elect their officers, but thereafter all appointments and promotions were to be made by the Confederate President, in conformity with the act of April 16.[a]

A second law, October 11, 1862, directed that a place of rendezvous be established in each county, parish, or district where persons enrolled for military duty should report for examinations by surgeons employed by the Confederate Government.

The second section recognized the Congressional district as the natural limit for territorial recruitment, by prescribing that there should be appointed in each, an examining board consisting of three surgeons, who were to conduct the examinations at the rendezvous designated. Persons who through sickness were unable to attend for examination, were reported to the commander of the nearest camp of instruction, to whom they were to present themselves as soon as their disability was removed.

A third act, October 11, 1862, increased the rigors of conscription by diminishing the number of exemptions. Persons exempted on account of religious scruples, were compelled to furnish substitutes or pay a tax of $500.[b]

October 13, 1862, the Confederate President was authorized to suspend the writ of habeas corpus in case of arrests made by the authorities of the Confederate government, or for offenses committed against it, the act to continue in force for thirty days after the next meeting of Congress.[c] A second act gave commutation in lieu of quarters to the "superintendent of the army intelligence office."[d] A third act made the pay of cadets of the service of Confederate States the same as that of second lieutenants.[e]

EXAMINING BOARDS.

A third act, and one of the most important of the session, authorized every general commanding a Department, whenever "the good of the service and the efficiency of his command" required it, to appoint an "examining board" to inquire into the qualifications of such officers as might be brought before it. The report of the board was to be forwarded by the Department Commander, through the War Department, to the Confederate President, who was authorized to honorably retire without pay or allowances, or drop any officer found unfit for his position.

The fourth section, recognizing the importance of personal reports, and also relieving them of the odium of being "confidential," prescribed:

> That in order to secure reliable information of the efficiency and competence of officers, it is hereby made the duty of each officer commanding a regiment, separate battalion, company, battery, or squadron to make to his immediate commanding officer, who shall transmit the same to the brigadier-general commanding, a monthly report, in tabular form, a copy whereof shall be retained by the reporting officer, subject to the inspection of all officers interested therein, containing a list of all commissioned officers of such regiment, separate battalion, company, battery, or squadron, in which shall be stated the number of days each officer has been absent from his command, with or without, or on sick leave, the number of times each officer has been

[a] Chap. XXXIX.
[b] Chap. XLV.
[c] Chap. LI.
[d] Chap. LII.
[e] Chap. LIV.

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observed to have been absent from his command, when on march or in action, wehn and where each officer has been observed to have performed signal acts of service, when and where negligent in the performance of duty and inattentive to the security and economy of public property, printed blank forms of which said reports, shall be furnished by the Secretary of War, for the use of the officers whose duty it is to make such reports.[a]

The fifth section, while continuing the objectionable principle of company promotion, reaffirmed the right of the Confederate President to make the appointments and promotions in the Provisional Army. It prescribed:

That whenever any officer of a company, battalion, squadron, or regiment shall have been dropped or honorably retired, in accordance with the provisions of this act, then the officer next in rank shall be promoted to the vacancy, if competent, such competency to be ascertained as provided in the first and second sections of this act, and if not competent then the next officer in rank shall be promoted, and so on until all the commissioned officers of the company, battalion, squadron, or regiment shall have been gone through with, and if there be no officer of the company, battalion, squadron, or regiment competent to fill the vacancy, then the President shall, by and with the advice and consent of the Senate, fill the same by appointment: *Provided*, That the officer appointed shall be from the same State as that to which the company, battalion, squadron, or regiment belongs: *And provided further*, That nothing herein contained shall be construed as limiting the power heretofore conferred upon the President by existing laws, to fill any vacancy by the promotion of officers or the appointment or privates "distinguished in the service by the exhibition of extraordinary valor and skill:" *And provided further*, That vacancies arising under the operation of this act in regiments or battalions which were organized under the laws of a State for the war, or for a period not yet expired, shall be filled as in case of death or resignation.[b]

MEDALS OF HONOR AND BADGES OF DISTINCTION.

A fourth act authorized the Confederate President to bestow medals upon officers "conspicuous for courage and good conduct on the field of battle," and also "to confer a badge of distinction upon one private or noncommissioned officer of each company after every signal victory it shall have assisted to achieve." The principle of election which throughout the war proved so detrimental to the discipline of the Confederate armies, was recognized in the manner of bestowing the badge of distinction. The law prescribed:

That the noncommissioned officers and privates of the company who may be present on the first dress parade thereafter may choose, by a majority of their votes, the soldier best entitled to receive such distinction, whose name shall be communicated to the President by commanding officers of the company, and if the award fall upon a deceased soldier, the badge thus awarded him shall be delivered to his widow, or if there be no widow, to any relative the President may adjudge entitled to receive it.[c]

The principle of bestowing rewards by election is recognized in the regulation for conferring the Victoria Cross. As a practical application, it is reported that when one was given to a battery of horse artillery which had achieved great distinction in the siege of Delhi, the men unanimously bestowed it upon the cook.

By a fifth act, of October 13, 1862, "for the purpose of local defense in any portion of the Confederate States," any number of persons not less than twenty, who were over 45 years of age or were not otherwise liable to military duty, were authorized—

to associate themselves as a military company, elect their own officers, and establish rules and regulations for their own government.

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[a] Sec. 4, Chap. LVII, second session, first congress.
[b] Same as sec. 5.
[c] Chap. LXI.

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The local volunteers, who could be disbanded at any time by the Confederate President, were declared to be a part of the Provisional Army of the Confederate States, "serving without pay or allowances, and entitled, when captured by the enemy, to all the privileges of prisoners of war."[a] The sixth act, of October 13, 1862, and the last of the second session of the First Congress, authorized the appointment of twenty general officers, to be assigned to such appropriate duties as the Confederate President might deem expedient.

THIRD SESSION, FIRST CONFEDERATE CONGRESS.

The third session of the First Confederate Congress began at Richmond, January 12, 1863, and ended May 1, 1863.

The extravagance of the Confederate military policy may be inferred by a few extracts from the act making appropriations for the support of the Government for the period from February 1, 1863, to June 30, 1863, as also to supply deficiencies prior thereto:

Quartermaster's Department:	
Pay of the Army	$119,270,771
Transportation of troops, stores, purchase of horses, etc	47,708,308
For bounty of $50 to soldiers in service for three years or the war, on the basis of 60,000	3,000,000
Commissary Department:	
Subsistence	48,656,500
Ordnance Department	15,900,000
Medical Department	3,540,000
Engineer Department	3,000,000
Total, five Departments	241,075,579

February 20, 1863, the Secretary of the Treasury was authorized to adjust the true amount of "war tax" due from the State of Alabama and to refund any amount overpaid by the State.[b]

March 20, 1863, the Secretary of War was authorized to select one company of engineer troops from each infantry division in the service; the companies to be organized into regiments of ten companies, with the usual field and staff. Mounted engineers were also authorized to be selected from the cavalry.[c]

IMPRESSMENTS.

At no time did the Confederate Congress permit the war to languish, through hesitation or fear to exercise its constitutional powers. When volunteer enlistments failed, it boldly resolved to raise armies by conscription, and when, in consequence of an exhausting policy, its notes became so depreciated that the people refused them supplies, it as boldly resolved to support its armies by taxes in kind and impressments.

The first section of the act of March 26, 1863, regulating impressments, prescribed—

That whenever the exigencies of any army in the field are such as to make impressments of forage, articles of subsistence, or other property absolutely necessary, then such impressments may be made by the officer or officers whose duty it is to furnish such forage, articles of subsistence, or other property for such army. In cases where the owner of such property and the impressing officer cannot agree

[a] Chap. LXIII. [b] Chap. VI. [c] Chap. VII.

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upon the value thereof, it shall be the duty of such impressing officer, upon an affidavit in writing of the owner of such property, or his agent, that such property was grown, raised, or produced by said owner, or is held or has been purchased by him, not for sale or speculation, but for his own use or consumption, to cause the same to be ascertained and determined by the judgment of two loyal and disinterested citizens of the city, county, or parish in which such impressments may be made; one to be selected by the owner, one by the impressing officer, and in the event of their disagreement, these two shall choose an umpire of like qualifications, whose decision shall be final. The person thus selected, after an oath to appraise the property impressed fairly and impartially (which oath, as well as the affidavit provided for in this section, the impressing officer is hereby authorized to administer and certify), shall proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temporary use thereof only is required.[a]

On seizing the property, the officer was required to pay for it at the price appraised, or in lieu, give vouchers payable by the proper disbursing officer of the Department. If impracticable to appraise the property at the time of impressment, its value was subsequently to be appraised under oath, by two or three arbitrators selected as before.

The fifth section prescribed that the Confederate President should appoint a commissioner for each State and request the governor to appoint another, the two commissioners to receive a compensation of $8 per day and mileage at 10 cents per mile, to be paid by the Confederate Government.

The commissioners were to constitute a board, whose duty it was—

to fix upon the prices to be paid by the Government for all property impressed or taken for the public use as aforesaid, so as to afford just compensation to the owners thereof.

The commissioners were also required to "agree upon and publish a schedule of prices every two months," and in case they could not agree, they were empowered—

to appoint an umpire to decide the matter in dispute, whose decision shall be the decision of the board, the umpire to receive while so employed the same compensation as the commissioners.

The closing part of the section shows with what care the Confederate Congress provided against the possible lukewarmness or opposition of any of the States. It read:

That said commissioners shall be residents of the State for which they shall be appointed; and if the governor of any State shall refuse or neglect to appoint said commissioner within ten days after a request to do so by the President, then the President shall appoint both commissioners, by and with the advice and consent of the Senate.[b]

The seventh section regulated the quantity of supplies and property to be exempted from seizure. It read:

That the property necessary for the support of the owner and his family, and to carry on his ordinary agricultural and mechanical business, to be ascertained by the appraisers, to be appointed as provided in the first section of this act, under oath, shall not be taken or impressed for the public use; and when the impressing officer and the owner can not agree as to the quantity of property necessary, as aforesaid, then the decision of the said appraisers shall be binding on the officer and all other persons.[c]

The ninth section permitted the impressment of slaves, "to labor on fortifications or other public works," but no impressment was to be

[a] Third session First Congress, Chap. X, first section, p. 102.
[b] Ibid, fifth section, p. 103.
[c] Ibid, section 7, pp. 103, 104.

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made when they could be hired or procured by the consent of the owner or agent.

To guard against an abuse of power, the eleventh and last section read:

That any commissioned or noncommissioned officer or private who shall violate the provisions of this act shall be tried before the military court of the corps to which he is attached, on complaint made by the owner or other person; and on conviction of an officer he shall be cashiered and put into the ranks as a private, and if a noncommissioned officer or private, he shall suffer such punishment not inconsistent with military law as the court may direct. [a]

April 13, 1863, the punishment of any soldier "by whipping or the infliction of stripes upon his person" was prohibited.[b]

TAXATION.

April 24, an act was approved—

to levy taxes for the common defense and carry on the government of the Confederate States.

The fifth section prescribes that for the year ending December 31, 1863, and for each subsequent year, a tax either of money or moneys, and a percentage on the gross amount of sales should be levied on each trade, business, or occupation as follows: Bankers, $500; auctioneers, $50 and 2½ per cent; wholesale dealers in liquors and wines of all kinds, $200 and 5 per cent; retail dealers, $100 and 10 per cent; retail dealers of groceries or merchandise, $50 and 2½ per cent; wholesale dealers of groceries or merchandise, $200 and 2½ per cent; pawnbrokers, $200; distillers, $200 and 20 per cent; brewers, $100 and 2½ per cent; hotels, first class, $500; hotels, second class, $300; hotels, third class, $200; hotels, fourth class, $100; hotels, fifth class, $30; brokers, $200; commercial brokers and commission merchants, $200 and 2½ per cent; tobacconists, $50 and 2½ per cent; circuses, $100 and $10 for each exhibition; jugglers, $50; bowling alleys and billiard rooms, $40; livery stables, $50; cattle brokers, $50 and 2½ per cent; butchers, $50 and 1 per cent; peddlers, $50 to $100 and 2½ per cent; jewelers, apothecaries, photographers, and confectioners, $50 and 2½ per cent each; lawyers and physicians, $50 each.

The seventh section imposed an income tax of 1 per cent on the salaries of all persons not in the military or naval service, when the gross amount did not exceed $1,500 per annum, and 2 per cent for salaries above that amount.

The eighth section imposed a tax on all incomes derived from business as follows: Over $500 and not exceeding $1,500, 5 per cent; over $1,500 and less than $3,000, 5 per cent on the first $1,500 and 10 per cent on the excess; over $3,000 and less than $5,000, 10 per cent; over $5,000 and less than $10,000, 12½ per cent; over $10,000, 15 per cent.

All farmers and planters after deducting for their families 100 bushels of corn, 50 bushels of sweet potatoes, 50 bushels of Irish potatoes, 50 of wheat, and 20 bushels of pease or beans, were required to deliver to the agents of the government a tithe of all wheat, corn, tobacco, sugar, cotton, and all other articles of consumption produced by them.

The tithes imposed by the eleventh section were to be delivered at depots not more than 8 miles distant within two months after the

[a] Chap. X, sec. 11. [b] Chap. XIX.

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assignment of the tax, in fault of which the offender was made liable to pay 50 per cent more than the tax originally assessed.

To carry out the law, the twelfth section prescribed that the Quartermaster's Department should be divided into two branches—one denominated post quartermaster for the collection of articles paid for taxes in kind, the other for the distribution of the articles received to proper points for supplying the Army, and also for delivering the cotton and tobacco to agents of the treasury. It also required the assessors to deliver to the post quartermasters an estimate of all the articles due from each person, taking therefor a receipt which was to be forwarded through the chief collector to the auditor to be charged against the quartermaster on the settlement of his accounts.

The post quartermaster was charged with the collection of the tithes, and when unable to procure them he was required to deliver the estimate to the district tax collector as a basis for a distress warrant, the receipt of the collector being used as a voucher in the settlement of the former's accounts.

The eighteenth and last section prescribed that the law should be in force from 1863, and two years subsequent.[a]

While the only escape from oppression in time of war is to be found in a wise and efficient military organization, the two foregoing laws show to our statesmen that when a government has bankrupted its credit there still remains a constitutional method of carrying on military operations.

Under the Confederation, Washington was compelled in 1780 to send a general officer to New England to beg food for a famishing army. The Confederate Congress, ignoring all regard for State sovereignty, supplied its armies by laying its hands upon the property of every citizen within the limits of its authority.

April 30, under the authority "to provide and maintain a Navy," the law for impressing supplies was extended to the Navy as well as the Army.[b]

May 1, 1863, regimental commissaries were abolished, their duties being devolved on the regimental quartermasters.[c]

APPROPRIATIONS.

May 1, 1863, the amount appropriated for the Confederate War Department and the departments of supply for the six months beginning July 1, 1863, and ending December 31, 1863, were as follows:

War Department, embracing compensation of the Secretary of War, his assistants, clerks, incidental expenses, etc	$320,063.00
Quartermaster's Department:	
Pay of the Army	141,118,688.00
Transportation of troops, etc	56,447,475.00
Other expenses	1,688,020.00
Commissary Department (subsistence)	130,011,352.00
Ordnance Department (all its branches)	24,500,000.00
Engineer Department	6,000,000.00
Medical Department	4,700,000.00
	364,785,598.00

[a] Chap. XXXVIII. [b] Chap. LIV. [c] Chap. LXI.

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In addition to above:	
Legislative	$284,040.00
Executive	24,125.00
Treasury Department [a]	22,711,400.61
Indian Affairs	117,920.00
Navy Department	8,349,172.85
State Department	57,670.00
Department of Justice	176,662.30
Post-office and miscellaneous	126,389.00
Total	31,847,379.76

Besides the above, appropriations were made for deficiencies up to the 30th of June as follows:

War Department (contingent and incidental expenses)	$140,000.00
Engineer Department	2,000,000.00
Medical Department	2,229,800.00
Ordnance Department	5,000,000.00
Indian Service and civil expenditures [b]	4,075,692.27
	13,445,492.27

ABSENTEEISM.

Another act, May 1, 1863, tended generally to absenteeism and the reduction of the army. For the purpose of furloughing and discharging "sick, wounded, and disabled soldiers in hospitals," it prescribed that in any place where there were three or more hospitals, three surgeons in charge of hospitals, or divisions in hospitals, should constitute a board of examiners, who were required to visit the hospitals and examine applicants for furloughs and discharges twice every week. In case an applicant was found unfit for duty and likely to remain so for thirty days, the board was authorized to grant a furlough not to exceed sixty days. The board was required to keep a secretary or clerk, whose duty was to "issue all furloughs by order of the board," specifying in each furlough the time, place of residence of the soldier, his company, regiment, and brigade. This furlough was the only passport required of the soldier to or from his home.

The third section read:

> That the said board may recommend discharges, stating the grounds thereof, which, when approved by the Surgeon-General or the General Commanding the Army or Department to which the soldier belongs, shall entitle him to a discharge and transportation to the place of his enlistment or residence. [c]

If there were but two hospitals in the same place, the fourth section prescribed that the two surgeons in charge of the same, or divisions of the same, should constitute the board. If but one hospital, then the senior surgeon and the two assistant surgeons (or an assistant surgeon, in case there was but one) constituted the board, with the same power to furlough or recommend discharges as before. This law was sufficient of

[a] The appropriation for interest on the public debt was $20,000,000.

[b] Included in this amount was the sum of $5,825, due to the State of Louisiana for excess of war tax paid by her into the Confederate Treasury under the war-tax act of August 19, 1861. This act was based on the theory of confederation, the State being permitted to pay the total amount of tax, less 10 per cent assessed by the Confederate agents upon the people of the States, but like every other effort to carry on war through the cooperation of the States, it had to be abandoned.

[c] Chap. LXIX, sec. 4, p. 154.

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itself to neutralize much of the military strength given to the Confederacy by the laws of conscription and impressment. A general might see his ranks filled up by recruits or conscripts, but the moment one left the army and succeeded in getting into a hospital all control over him was lost. A corrupt clerk could forge and grant furloughs by the hundred, while under the alternative form of the law every discharge could be granted by the surgeon-general.

With such possibilities for abuse it hardly need be said that laws of this character do more to exhaust and dissipate the military recources of a people than repeated blows inflicted by the enemy.

A third act, May 1, 1863, authorized the establishment of a military court in each department, organized in the same manner as those provided for each army corps by the act of October 9, 1862.[a]

CONSCRIPTION.

A fourth act increased the rigors of conscription. Setting aside State authority, it repealed so much of the law of October 11, 1862, as exempted from military service—

one person either as agent, owner, or overseer of each plantation, on which one white person is required to be kept by the laws or ordinances of any State, and on which there is no white male adult not liable to military service;

the exemption of one person for each plantation of twenty or more negroes in States having no laws requiring the same was also repealed.

The second section, "for the police and management of slaves," permitted under certain conditions, the exemption of one person for each plantation of twenty or more slaves, provided it was found impossible to procure an overseer not liable to military duty, but for every person thus exempted the owner of such slaves was required to pay annually into the public treasuary the sum of $500.

The fourth was as follows:

In addition to the State officers exempted by the act of October 11, 1862, there shall also be exempted all State officers whom the governor of any State may claim to have exempted for the due administration of the government and the laws thereof; but this exemption shall not continue in any State after the adjournment of the next regular session of its legislature unless such legislature shall by law exempt them from military duty in the Provisional Army of the Confederate States.[b]

Those who hold to the theory of State sovereignty will observe that the exemption of State officers was a concession granted by the Confederate Congress, and that had the public safety demanded it every officer essential to the operations of State government could have been held to military service.

April 4, 1863, a joint resolution expressing—

the deliberate judgment of Congress that the people of these States, while hoping for peace, should look to prolonged war as the only condition proffered by the enemy short of subjugation,

earnestly recommended that the people instead of planting cotton and tobacco should direct their agricultural labor mainly to the production of such crops as would insure a sufficiency of food for all classes and for every emergency.

[a] Chap. LXXVII. [b] Chap. LXXX, sec. 4, p. 159.

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FOURTH SESSION, FIRST CONFEDERATE CONGRESS.

The fourth session of the First Confederate Congress began at Richmond, December 7, 1863, and ended February 18, 1864.

December 28, 1863, the first act authorized the producers of sweet potatoes for the year 1863 to pay commutation in money in lieu of the tax in kind, amounting to 10 per cent, the commutation value to be fixed by the commissioners under the impressment act.[a]

A second act authorized assistant quartermasters and agents engaged in the collection of taxes in kind to accept salt pork in lieu of bacon.[b]

A third act the same day abolished substitution. It prescribed:

> That no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service, nor shall any substitute be received, enlisted, or enrolled in the military service of the Confederate States.[c]

January 5, 1864, the merciless demands of a weak and extravagant military system were again illustrated in an act—

> to put an end to the exemption from military service of those who have heretofore furnished substitutes.
>
> Whereas in the present circumstances of the country it requires the aid of all who are able to bear arms: Therefore,
>
> *The Congress of the Confederate States of America do enact*, That no person shall be exempted from military service by reason of having furnished a substitute; but this act shall not be so construed as to affect persons who, though not liable to render military service, have nevertheless furnished substitutes.[d]

January 22, 1864, any person not subject to the rules and articles of war, who should be convicted before a district court of the Confederate States of having enticed soldiers to desert, harbored deserters, or purchased from any soldier his army equipments or clothing, was made liable to a fine not exceeding $1,000 and imprisonment not exceeding two years.[e]

February 3, 1864, the Confederate President was authorized at any time to assign judges from one military court to another as in his judgment the service might require.

February 6, another act relating to military courts prescribed:

> That commanders of corps and departments be, and they are hereby, authorized to detail field officers as members of military courts whenever any of the judges of said courts shall be disqualified by consanguinity or affinity, or unable from sickness or other unavoidable cause to attend said courts.[f]

February 15, 1864, the writ of habeas corpus was suspended in all cases arising out of the war, the suspension to be continued till ninety days after the next meeting of Congress.[g]

February 16, 1864, the authority to appoint military courts was further increased. The law prescribed:

> That in addition to the military courts now authorized by law, the president be, and he is hereby, authorized to appoint a military court to attend any division of cavalry in the field, and also one for each State within a military department, whenever in his judgment such courts would promote the public interest; which courts shall be organized and have the same powers and duties and the members thereof appointed as provided by law.[h]

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[a] Chap. I.
[b] Chap. II.
[c] Chap. III.
[d] Chap. IV.
[e] Chap. X.
[f] Chap. XXVI.
[g] Chap. XXXVIII.
[h] Chap. XLIV, p. 198.

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February 17, the proceedings of military courts, as in the case of general courts-martial, were made subject to the review of army commanders whenever the armies consisted of two or more corps. The jurisdiction of the courts without reference to the corps to which it was attached was extended to all offenders below the grade of lieutenant-general.

A second act February 17, authorized the Confederate President to appoint one general in the Provisional Army for the command of the trans-Mississippi Military Department; also as many lieutenant-generals as he might deem necessary to command any one or more of the military departments.

These officers were to hold the increased grade so long as they should "efficiently discharge the duties in command of said several departments," in default of which they were to resume their former rank.[a]

A third act as to army commanders in time of war to approve and execute all sentences of general courts-martial, whether of life or death, except those relating to a general officer; the latter were to be forwarded for the approval and orders of the Confederate President.[b]

IMPRESSMENTS.

A fourth act increased the power of impressment. Its first and second sections read:

That whenever the President shall declare that the public exigencies render it necessary, impressments of meat for the use of the Army may be made from any supplies that may exist in the country, under the express condition that just compensation shall be afforded to the owner of the meat taken or impressed, and subject to the following restrictions and limitations:

SEC. 2. The power to direct such impressment shall be conferred upon the secretary of war, but he shall not reduce the supplies of any person below one-half of the quantity usually allowed for the support of himself, his family, and dependents for the year. He shall exercise the said power by orders directed to the officers or agents he may employ, who shall have explicit instructions as to the mode of its execution, and injunctions that the same shall not be abused.[c]

When the owner and the impressing officer could not agree upon the amount of meat liable to impressment and the just compensation for the same, the difference was to be settled by the arbitration of two or three persons who were to perform their duty under oath. For the meat seized, vouchers were to be given to the owner, to be—

promptly paid by the disbursing officer of the command for which the meat was taken, or by the chief of the bureau having charge of disbursements for similar objects.[d]

APPROPRIATIONS.

The appropriations for the second six months of the fiscal year ending the 13th of June, 1864, showed no reduction in the War Department.

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[a] Chap. I.
[b] Chap. II.
[c] Chap. LII, 1st and 2d secs., p. 196.
[d] Chap. LII.

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These by the fifth act of February 17, 1864, were as follows:

War Department:		
Pay of employees, contingent expenses, etc		$542,000.00
Quartermaster's Department:		
Pay of the Army	$73,803,551.00	
For the service of the Quartermaster's Department	162,081,544.00	
Pay of officers, fuel, collecting taxes in kind	5,313,204.00	
Railroad transportation	1,500,000.00	
Grain bags to be used in transportation of tax in kind	3,240,000.00	
Purchase of horses and wagons	2,160,000.00	
		248,098,299.00
Commissary Department		57,988,000.00
Ordnance Department, embracing niter and mining service		32,000,000.00
Engineer Department		10,000,000.00
Medical Department		16,820,000.00
Total		365,448,299.00

The other appropriations for the same period were as follows:

Legislative	$308,505.00
Executive	32,350.00
Treasury Department	22,583,359.00
Navy Department	13,624,945.00
State Department	544,409.50
Indian Affairs	252,012.93
Post-office Department	82,968.38
Postal Service	3,337,853.01
Department of Justice	277,587.96
Sundry expenses	100,554,838.64
Total	141,598,829.42

The appropriations for the War Department for the entire fiscal year ending June 30, 1864, were:

First six months	$364,785,596.00
Second six months	365,448,299.00
Total	730,233,895.00

If to this be added $173,446,209.18, representing the expenditures in the other Departments, it appears that the total appropriations of the Confederate Government, which were necessitated by a depreciated currency—the logical result of the weak and extravagant military system adopted at the beginning—amounted to the enormous sum of $903,680,104.18.

Such was the progress toward financial ruin made by the Confederate Government before the close of the third year of the war. Nevertheless, by means of the laws of impressment and conscription, it was still enabled to resist for nearly another year, the gigantic preparations which had been made by the Union to overthrow it.

February 17, a sixth act repealed the act of April 21, 1862, authorizing the organization of Partisan Rangers. Such as were serving as cavalry were to be continued as regular cavalry, the object of the law being to bring them—

under the general conditions of the Provisional Army as to discipline, control, and movements under such regulations as the Secretary of War might prescribe.

In his discretion such companies as were "serving within the lines of of the enemy" could be excepted from the operations of the act.[a]

[a] Chap. LIV.

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February 17, 1864, a seventh act authorized the Confederate President to organize such bureaus or agencies of the War Department west of the Missouri as the public service might require. The Confederate President was authorized to assign for this service such staff officers and clerks as might be necessary, the latter to be exempt from military duty and not to be allowed a salary exceeding $2.000 per annum.

Subject to the approval of the Confederate President the general commanding the trans-Mississippi Department was also authorized to assign officers and make appointments in the proposed bureaus.[a]

February 17, 1864, an eighth act authorized the organization of an invalid corps composed of officers, soldiers, or seamen disabled by wounds or other injuries received in the line of duty. The members were subject to such duty as they could perform, and in case of recovery they were entitled to be restored to their respective commands.[b]

By a ninth act the Confederate President was authorized—

upon the recommendation of the general commanding a department or a separate army in the field—

to fill any vacancy in the commissioned officers of a regiment or battalion by the promotion to the same, by and with the advice and consent of the Senate, of any officer, noncommissioned (officer), or private who may have distinguished himself by exhibiting peculiar valor or skill on the battlefield: *Provided*, That the officer, noncommissioned officer, or private so recommended and nominated for promotion shall belong to the regiment or battalion in which the vacancy may have occurred.[c]

A tenth act added to each regiment of engineer troops two quartermaster-sergeants.[d]

An eleventh act increased the number of officers in the engineer corps of the Provisional Army from 100 to 120, the corps to consist of 3 colonels, 4 lieutenant-colonels, 8 majors, 45 captains, 35 first-lieutenants, and 25 second-lieutenants.[e]

Six military storekeepers were also added to the Army with the rank of captains of infantry, the appointees to be selected from persons disqualified for active service by wounds or disease whilst in the army, or from persons over 45 years of age.

A twelfth act authorized the issue of 6 per cent bonds to the amount of $500,000,000 to pay the expenses of the Government not otherwise provided for, the principal and interest of the bonds to be exempt from taxation.[f]

A thirteenth act increased the burden of taxation. On the value of property, real and personal, a tax was levied of 5 per cent; on gold and silver watches, 10 per cent; on shares in all stock companies, 5 per cent; on all gold, silver, and money held abroad, 5 per cent; on profits on spirits, flour, corn, etc., 10 per cent; on profits made by buying and selling gold, foreign exchange, etc., 10 per cent. On the amount of profits exceeding 25 per cent made during the years 1863 or 1864 by any bank, railroad, canal, insurance, or other joint stock company of any description, incorporated or not, or such excess, 25 per cent.

FINAL CONSCRIPTION.

While the legislation relating to furloughs and discharges demoralized the army and led to absenteeism and reduction, another law of

[a] Chap. LV.
[b] Chap. LVI.
[c] Chap. LVIII, p. 204.
[d] Chap. LIX.
[e] Chap. LX.
[f] Chap. LXIII.

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February 17, 1864, sought to increase the Army by extending the age of conscription. Avoiding the blunder of short enlistments the first section of the law prescribed:

That from and after the passage of this act all white men, residents of the Confederate States, between the ages of seventeen and fifty, shall be in the military service of the Confederate States for the war.[a]

The second section, with the same boldness that was shown in the original conscription law of 1862, claimed that all soldiers then in the army, between the ages of 18 and 45, should be retained during the war. It read—

That all the persons aforesaid, between the ages of eighteen and forty-five, now in service, shall be retained during the present war with the United States, in the same regiments, battalions, and companies to which they belong at the passage of this act, with the same organization and officers, unless regularly transferred or discharged, in accordance with the laws and regulations for the government of the army.[b]

A proviso to this section permitted men or companies from one State serving in regiments from another to transfer to organizations of the same arm from their own State.

The third section granted a bounty of $100 to every enlisted man who should be in the service at the expiration of six months from the 1st of April, 1864; provided, that at no time during that period he should be absent without leave.

The fourth section made all persons liable to service who had purchased substitutes, as also all who had been discharged for disability, whose disability had been removed.

The fifth section required all white male residents of the Confederate States, between the ages of 17 and 18, and between 45 and 50, to enroll themselves, within thirty days east, and sixty days west of the Mississippi, at such places and under such regulations as the Confederate President might prescribe.

The object of the law, as stated in the proviso to the section, was:

That the persons mentioned in this section shall constitute a reserve for State defense and detail duty, and shall not be required to perform service out of the State in which they reside.[c]

Any person who failed to enroll himself without a reasonable excuse therefor, to be judged of by the Confederate President, was, according to the law, to—

be placed in service in the field for the war in the same manner as though he were between the ages of eighteen and forty-five.

Having finally declared all white men, residents of the Confederate States, between the ages of 18 and 45, in the military service of the Confederate States for the war, and furthermore having ventured to extend the time of all soldiers in service to the end of the war—making a second arbitrary extension of the one-year enlistment of the volunteers of 1861—the sixth section returned to the folly of new organizations, with all the officers elected by their men. It permitted all men between the ages of 17 and 18, and 45 and 50, to—

form themselves into voluntary organizations of companies, battalions, or regiments, and elect their own officers—said organizations to conform to the existing law; and having so organized, to tender their services as volunteers during the war to the President; and if such organization shall furnish proper muster rolls, as now required,

[a] Chap. LXV, p. 211. [b] Chap. LXV, p. 211. [c] Chap. LXV, sec. 5, p. 211.

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and deposit a copy thereof with the enrolling officer of their district (which shall be equivalent to enrollment), they may be accepted as minute men for service in such State; but in no event to be taken out of it.[a] * * *

For this purpose thirty days were allowed East and sixty days West, of the Mississippi.

The last part of the section prescribed that those who failed to form voluntary organizations should enroll themselves and assemble at designated rendezvous, where, in the discretion of the Confederate President and under regulations prescribed by him, they might still be organized into companies, battalions, and regiments with, singularly to say, the same right as before of electing their company and regimental officers. All troops organized under this act for State defense while in actual service were accorded the same pay as troops in the field.

The needless concession of the right to elect their officers, at a time when competent captains and colonels could easily have been selected from the regiments in the field, was alone sufficient to destroy the efficiency and discipline of the new organizations.

A still graver fault was, however, committed. Wholly abandoning the principle of voluntary enlistments, the date of this law, February 17, was such that with proper foresight and statesmanship the new organizations could speedily have been formed into an army of the second line, which, opportunely brought to the support of the hard-pressed troops in the field, might possibly have insured the triumph of the Confederate arms. But, since the days of the Declaration of Independence, American statesmen, North and South, have never comprehended the necessity or advantages of military reserves.

The sixth section of this law shows that more than two months before the opening of the great campaign of 1864, which was destined to destroy the last hope of the Rebellion, the same Confederate Congress that adopted the principle of conscription in April, 1862, and had successively extended it till every white man between the ages of 17 and 50 was declared to be "in the military service of the Confederate States for the war," was capable, while organizing the last reserves, of voluntarily enacting that "in no event" should they "be required to perform service out of the State" in which they might reside. This mistake of legislation, which, fortunately for the Union, destroyed the last chance of reenforcement and concentration, doomed the Confederate armies in the field to waste away by death, disease, and desertion until, overwhelmed by numbers, they were finally compelled to surrender.

Failure to report at the place of rendezvous without sufficient excuse, to be judged of by the Confederate President, was made liable to the punishment of being "placed in service in the field for the war."

The eighth section prescribed that as far as practicable all duties of provost and hospital guards, clerks, etc., in the various supply departments should be performed by men between the ages of 18 and 45, who, upon examination by a board of army surgeons, should be reported as unable to perform active service in the field;—

if the number thus procured was insufficient, the deficiency was to be made up by individuals between the ages of 45 and 50,—

organized under the fifth section of the act.

The ninth section prescribed that any officer convicted of retaining

[a] Chap. LXV., sec. 6, p. 212.

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in his employment persons in violation of the eighth section of the act should be cashiered. Military commanders convicted of failing to enforce this act were to be dismissed from the service.

EXEMPTIONS FROM CONSCRIPTION.

The tenth section repealed all former exemptions. The first clause exempted all persons unfit for military service under rules prescribed by the secretary of war.

The second clause exempted—

> the Vice-President of the Confederate States, the members and officers of Congress, and of the several State legislatures, and such other Confederate and State officers as the President or the governors of the respective States may certify to be necessary for the proper administration of the Confederate or State Governments, as the case may be. [a]

The third clause exempted ministers of religion, editors of newspapers and their employees, the public printer and his employees, superintendents and physicians of asylums, physicians, apothecaries, presidents of colleges, and teachers of schools, the presidents and teachers to have been so engaged for the preceding two years.

The fourth clause, looking to the support of the army, exempted one person as overseer on each plantation employing 15 able-bodied field hands between the ages of 16 and 50, upon condition of giving his bond that within the twelve months next ensuing he would deliver at some railroad depot or other point designated by the secretary of war 100 pounds of bacon, or its equivalent in pork, and 100 pounds of net beef (delivered on the hoof) for each able-bodied slave on the plantation, whether employed in the field or house.

The bacon and beef were to be paid for at prices fixed by the commissioners appointed under the impressment act. The party exempted was further required to bind himself during its continuance to sell all surplus provisions to the government or to the families of soldiers at prices fixed as above.

The Secretary of War under the Confederate President was also authorized—

> to grant exemptions or details on such terms as he may prescribe to such overseers, farmers, or planters as he may be satisfied will be more useful to the country in the pursuits of agriculture than in the military service: *Provided*, That such exemptions shall cease whenever the farmer, planter, or overseer shall fail diligently to employ, in good faith, his own skill, capital, and labor, exclusively, in the production of grain and provisions, to be sold to the Government and the families of soldiers at prices not exceeding those fixed at the time for like articles by the commissioners of the State under the impressment act. [b]

The eleventh section authorized the Confederate President—

> to grant details, under general rules and regulations to be issued by the War Department, either from persons between forty-five and fifty years of age, or from the Army in the field, in all cases when in his judgment justice, equity, and necessity require such details, and he may revoke such orders of details whenever he thinks proper. [c]

The twelfth and last section, in order to insure impartiality, prescribed that no member of the boards of surgeons for the examination of persons liable to military service should be appointed from the

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[a] First Cong., C. S. A., Sess. IV, sec. 10, p. 213.
[b] Ibid., sec. 4, p. 214. [c] Ibid., p. 215.

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country or enrolling district in which the board to which he belonged was required to make examinations.

A fifteenth act, February 17, Chapter LXVI, related to taxation.

Bankers were required to pay $500; auctioneers, $50 and 2½ per cent on gross sales; wholesale liquor dealers, $200 and 5 per cent; merchants and grocers, $200 and 5 per cent; distillers, $200 and 20 per cent; brewers, $100 and 2½ per cent.

On incomes of $1,500 per annum a tax was levied of 1 per cent, and 2 per cent on all excess above $1,500.

On all produce a tax in kind was levied amounting to 10 per cent.

A sixteenth act, Chapter LXIX, February 17, gave courts-martial power to summon civil witnesses in the State where the court was holding its sessions. In case the citizen witness refused to attend, the commander of the army was authorized to employ military force to arrest him and to keep him "in close confinement" until he should consent to testify.

The eighteenth act, Chapter LXXI, gave to each soldier a ration of tobacco.

A nineteenth act, Chapter LXXIV, authorized the Confederate President to discharge any officer of the regular or provisional army who had no command or could not be assigned to any appropriate duty, as also officers absent without leave or who were "incompetent or inefficient." Officers discharged for absence or inefficiency were entitled for thirty days to demand a trial before an examining board.

A twentieth act, Chapter LXXV, related to the organization of engineer troops as authorized by the act of March 20, 1863, one company of which could be selected from each division, or twelve regiments of infantry. After these companies were organized into regiments the field officers were to be appointed by selection.

A twenty-first act, February 17, 1864, Chapter LXXVI, authorized the appointment of an ensign to each regiment of infantry with the rank and pay of first lieutenants, whose duty was to bear the colors of the regiment, without the right to command in the field.

A twenty-second act, Chapter LXXIX, authorized the Secretary of War to employ free negroes and slaves to replace "able-bodied soldiers acting as teamsters and in various other capacities." Free negroes were to receive clothing, rations, and $11 per month. Compensation for the slaves, whose number was limited to 20,000, was paid to the owner at a rate established with the owner. In case of refusal to furnish slaves the secretary of war was authorized to impress them.

February 3, the thanks of Congress were—

> cordially given to the gallant soldiers of Tennessee, who have in advance of the legislation of Congress, and before their three years term of service has expired, voluntarily tendered their services to the country during the war.

Similar resolutions of thanks were voted February 6 to the troops of North Carolina, Louisiana, Alabama, Florida; February 13, to Mississippi; February 15, to Virginia, Georgia, and South Carolina; February 16, to Texas.

Some of these resolutions were addressed to the troops of the States, others to individual regiments and companies.

THE FIRST SESSION OF THE SECOND CONFEDERATE CONGRESS.

The first session of the Second Confederate Congress began at Richmond, May 2, 1864, and ended June 14, 1864.

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Continuing piecemeal legislation, the first military law of the Second Confederate Congress, May 23, 1864, Chapter V, authorized a commissary to each regiment of cavalry, with the same pay and allowances as the regimental quartermaster.

May 31, an act, Class VIII, authorized the Confederate President, with the consent of the senate,—

to appoint temporary officers of the rank of Brigadier-General, Major-General, Lieutenant-General, or General from the Provisional Army and assign them to appropriate command.

At the expiration of the temporary exigency the officers were to resume their previous permanent rank and command.

A second act May 31, Chapter X, extended the appointment of ensign to each battalion of the Provisional Army.

The next act the same day, Chapter XI, authorized chaplains for battalions and General Hospitals, the same as for regiments and posts.

June 4, 1864, an act, Chapter XVII, authorized the appointment of five military storekeepers with the rank of captain, and five with the rank of first lieutenant of infantry.

June 9, the pay of the enlisted men was increased $7 per month for one year, Chapter XXIX. The same day the Niter and Mining Bureau was made to consist of one colonel, two lieutenant-colonels, six majors, and twelve captains, Chapter XXX.

June 10, fifty officers of artillery were authorized to be appointed in the Provisional Army for the performance of ordnance duty, Chapter XXXVIII.

June 14, the Confederate President was authorized—

to grant authority for the organization of companies, battalions, or regiments, to be composed of supernumerary officers of the Provisional Army,

Chapter LI.

The second section authorized any supernumerary officer to join the above organization or any other company on tender of his resignation for that purpose, Chapter LI.

By a second act June 14, Chapter LII, additional quartermasters and commissaries were authorized, with rank not to exceed one colonel for each military department or separate army, one lieutenant-colonel for each corps, and one major for each division.

For the collection, control, and distribution of railroad and field transportation and Army supplies, as many more additional quartermasters and commissaries and purchasing agents were authorized to be appointed as the service, in the judgment of the Confederate President, might require.

To collect the tax in kind, the fourth section authorized the appointment of one quartermaster, with the rank of major, for each State, and one assistant quartermaster, with the rank of captain, in each Congressional district.

The last act of the first session of the Second Confederate Congress prescribed:

That hereafter the General Staff of the Army shall constitute a corps, and staff officers shall no longer, except by assignment, be attached to any particular military organization, or be held to duty at any post. That promotions in said corps shall be by selection based upon capacity, merit, and services, and no one shall be appointed in said corps unless he has been two years at least in the military service during this war, or is over 45 years of age, or is unfit for military service in the field.

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SEC. 2. That the President is hereby authorized to assign all officers of the staff to such appropriate duties as he may think proper; except that he shall not assign them to commands in the line, unless in cases of emergency, and then only for a short time; and no officer shall be allowed to hold at the same time a commission or appointment in the staff and in the line.[a]

The third section made the staff of a general commanding an army in the field to consist of one general officer, charged with the administration of the army; two assistant adjutants-general, colonels of cavalry; one chief quartermaster, colonel of cavalry; one chief of ordnance, colonel of cavalry; one chief commissary, colonel of cavalry; one medical director, colonel of cavalry; one aid-de-camp, colonel; one aid-de-camp, lieutenant-colonel of cavalry.

The fourth section made the staff of a lieutenant-general commanding a corps, to consist of two assistant adjutants-general, colonels of cavalry; one chief quartermaster, lieutenant-colonel of cavalry; one chief commissary, lieutenant-colonel of cavalry; one chief of ordnance, lieutenant-colonel of cavalry; one medical director, lieutenant-colonel of cavalry; one aid-de-camp, lieutenant-colonel of cavalry; one aid-de-camp, major of cavalry.

By the fifth section the staff of a major-general commanding a division, consisted of two assistant adjutants-general, lieutenant-colonels of cavalry; one chief of ordnance, one chief quartermaster, one chief commissary, one surgeon, one aid-de-camp, all majors of cavalry; and one aid-de-camp, captain of cavalry.

The sixth section made the staff of a brigadier-general commanding a brigade, to consist of two assistant adjutants-general, one assistant inspector-general, one surgeon, majors of cavalry; one ordnance officer, one aid-de-camp, captains of cavalry; and one aid-de-camp, first lieutenant of cavalry.

The resolutions of the first session, Second Confederate Congress, passed between the 17th of May and the 14th of June, 1864, tendered thanks to various organizations for their patriotic conduct in reenlisting for the war.

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[a] First session, Second Congress, C. S., Chapter LVIII, p. 281.

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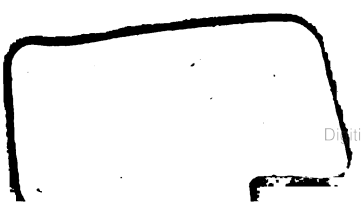

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